Laws, Resolutions and Memorials

OF THE

STATE OF MONTANA

Passed By The

14th Regular Session

OF THE

Legislative Assembly

Held at Helena, the Seat of Government of said State,
commencing January 4, 1915, and ending
March 4, 1915

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Certificate of Authentication.

STATE OF MONTANA,
Secretary's Office. } ss.

I, A. M. Alderson, Secretary of State of the State of Montana, do hereby certify that the printed laws, resolutions and memorials contained herein are true and correct copies of all the enrolled laws, resolutions and memorials that were passed at the Fourteenth Regular Session of the Legislative Assembly of said state, commencing January 4th, 1915, and held at Helena, the seat of government of said state, and, in addition, true and correct copies of laws initiated and passed by the People of Montana at the general election of November, 1914.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of said State. Done at the City of Helena, the seat of government of said State of Montana, this 20th day of April, A. D. 1915.

(SEAL)

A. M. ALDERSON,
Secretary of State.

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OFFICERS AND MEMBERS

OF THE

14th Legislative Assembly of the State of Montana

Governor, S. V. STEWART
Lieutenant Governor and President of the Senate, W. W. McDOWELL
Speaker of the House of Representatives, GEORGE L. RAMSEY

STATE SENATORS

Name	Politics	County	Residence
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*Annin, J. B.	Pro.	Stillwater	Columbus
Asbridge, Jos. L.	Dem.	Musselshell	Roundup
*Brower, A. J.	Rep.	Missoula	Ronan
Brownlee, Robert	Rep.	Sweet Grass	Big Timber
Burla, G. F.	Dem.	Big Horn	Hardin
*Burlingame, J. M.	Rep.	Cascade	Great Falls
Byrnes, Owen	Dem.	Lewis & Clark	Helena
Cato, O. C.	Dem.	Custer	Miles City
*Clark, T. L.	Dem.	Toole	Sweet Grass
*Clay, Geo. W.	Rep.	Valley	Malta
Darroch, J. M.	Dem.	Park	Livingston
†Dearborn, A. R.	Dem.	Granite	Phillipsburg
*Dwight, Reuben	Rep.	Sanders	Perma
*Edwards, J. E.	Rep.	Rosebud	Forsyth
*Fishbeck, F. G.	Rep.	Sheridan	Plentywood
*Gallwey, H. A.	Dem.	Silver Bow	Butte
Grande, A. C.	Rep.	Meagher	Lennep
*Haley, W. R.	Rep.	Prairie	Terry
*Hogan, T. S.	Dem.	Yellowstone	Billings
*Junod, O. H.	Rep.	Madison	Sheridan
*Kane, Thos.	Pro.	Ravalli	Hamilton
*Kinney, J. C.	Rep.	Wibaux	Wibaux
*Lane, J. E.	Dem.	Fergus	Lewistown
*Larson, T. O.	Rep.	Teton	Chouteau
Mackenzie, D. S.	Rep.	Hill	Havre
*McCone, Geo.	Rep.	Dawson	Burns
*Meadors, J. P.	Rep.	Richland	Riverview
Minor, J. M.	Dem.	Deer Lodge	Anaconda
*Muffley, C. S.	Dem.	Broadwater	Winston
*Oliver, John	Pro.	Fallon	Ekalaka
O'Shea, D. G.	Dem.	Carbon	Red Lodge
*Parker, M. H.	Dem.	Jefferson	Boulder
*Roberts, C. B.	Rep.	Lincoln	Fortine
Selway, E. O.	Rep.	Beaverhead	Dillon
*Stevens, Geo. H.	Rep.	Chouteau	Ft. Benton
Taylor, S. B.	Pro.	Blaine	Chinook
*Vagg, Harry A.	Pro.	Phillips	Saco
*Whiteside, Fred	Dem.	Flathead	Kalispell
Williams, C. H.	Rep.	Powell	Deer Lodge
*Willett, O. G.	Ind.	Mineral	Alberton

*Holdovers.
†Died February 15th, 1915.

NATHAN GODFREY, Secretary.

HOUSE OF REPRESENTATIVES

Name	Politics	County	Residence
Anderson, R. J.	Dem.	Fergus	Lewistown
Baldwin, C. J.	Rep.	Carbon	Red Lodge
Baxter, E. C.	Rep.	Meagher	Two Dot
Bechtel, L. A.	Soc.	Silver Bow	Butte
Bent, W. A.	Dem.	Carbon	Bowler
Bompart, J. L.	Dem.	Lewis & Clark	Helena
Booth, G. T.	Rep.	Cascade	Great Falls
Buckley, Frank G.	Rep.	Prairie	Terry
Burnett, Harvey	Dem.	Fergus	Gilt Edge
Burns, Jas.	Dem.	Cascade	Great Falls
Carpenter, L. W.	Dem.	Rosebud	Lee
Cariher, C. E.	Rep.	Deer Lodge	Anaconda
Cavitt, J. W.	Dem.	Toole	Grand View
Coburn, J. W.	Rep.	Teton	Cut Bank
Choinnere, Oliver	Dem.	Silver Bow	Butte

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HOUSE OF REPRESENTATIVES—(Continued)

Name	Politics	Residence	County
Collins, J. B.	Rep.	Custer	Miles City
Corr, Frank	Dem.	Silver Bow	Butte
Corwin, J. W.	Rep.	Stillwater	Park City
Crismas, W. J.	Dem.	Carbon	Joliet
Day, E. C.	Dem.	Lewis & Clark	Helena
Dwyer, J. V.	Dem.	Silver Bow	Butte
Doner, Jas.	Dem.	Silver Bow	Butte
Eliel, Frank	Rep.	Beaverhead	Dillon
Easton, Dana	Rep.	Sheridan	Poplar
Einsel, C. S.	Dem.	Fallon	Piniele
Fishbaugh, L. M.	Dem.	Chouteau	Carter
Flannigan, J. J.	Dem.	Silver Bow	Butte
Foltz, R. W.	Dem.	Silver Bow	Butte
Fousek, A. J.	Dem.	Cascade	Great Falls
Franklin, W. P.	Dem.	Sweet Grass	Big Timber
Gallagher, Wm.	Rep.	Yellowstone	Billings
Gladden, J. W.	Rep.	Sanders	Perma
Graybeal, J. M.	Dem.	Gallatin	Belgrade
Guinn, C. C.	Dem.	Big Horn	Hardin
Hall, A. C.	Rep.	Madison	Virginia City
Harmon, W. E.	Rep.	Gallatin	Bozeman
Harper, Geo. C.	Rep.	Ravalli	Stevensville
Haves, Frank	Dem.	Silver Bow	Butte
Hawks, J. A.	Dem.	Wibaux	Wibaux
Healey, Dan	Dem.	Park	Livingston
Hedrick, E. O.	Rep.	Fergus	Moore
Henry, V. Russell	Rep.	Chouteau	Hawarden
Higgins, Ronald	Rep.	Missoula	Missoula
Hills, C. A.	Rep.	Missoula	Missoula
Hogan, Barney	Dem.	Deer Lodge	Anaconda
Johnson, L. O.	Dem.	Ravalli	Hamilton
Jorgensen, Rasmus	Dem.	Cascade	Great Falls
Kelly, W. H.	Dem.	Custer	Miles City
Kiley, M. F.	Dem.	Silver Bow	Butte
Lemmon, C. A.	Dem.	Deer Lodge	Anaconda
Lord, R. M.	Dem.	Richland	Sidney
Lusk, A. K.	Rep.	Missoula	St. Ignatius
McCarthy, Gene	Dem.	Broadwater	Townsend
McDonald, C. S.	Rep.	Teton	Chouteau
Macdonald, A. D.	Dem.	Flathead	Kalispell
McMahon, W. J.	Dem.	Silver Bow	Butte
McNally, J. E.	Dem.	Silver Bow	Butte
Mackel, Alex	Soc.	Silver Bow	Butte
Marsh F. R.	Dem.	Flathead	Kalispell
Mansur, C. M.	Dem.	Flathead	Polson
Mason, D. N.	Dem.	Missoula	Ronan
Minnick, R. P.	Dem.	Valley	Saco
Moe, P. J.	Rep.	Dawson	Glendive
Moore, George	Rep.	Powell	Avon
Morris, C. F.	Dem.	Hill	Havre
Nutting, L. A.	Dem.	Yellowstone	Laurel
Ostle, Jos.	Dem.	Blaine	Harlem
Page, J. R.	Dem.	Granite	Drummond
Phillips, Ira J.	Dem.	Fergus	Straw
Parker, G. M.	Rep.	Park	Wilsall
Prosser, Martin	Dem.	Lewis & Clark	Helena
Rainey, J. A.	Dem.	Dawson	Glendive
Ramsey, Geo. L.	Dem.	Lewis & Clark	Helena
Rasmussen, C. A.	Rep.	Dawson	Glendive
Rixon, F. P.	Rep.	Yellowstone	Billings
Rundle, S. J.	Rep.	Valley	Glasgow
Sales, W. H.	Rep.	Gallatin	Bozeman
Sanderson, C. C.	Rep.	Yellowstone	Billings
Schanck, D. E.	Rep.	Lincoln	Libby
Schmidt, A. J.	Rep.	Chouteau	Ft. Benton
Schott, C. A.	Dem.	Madison	Ruby
Schrump, August	Rep.	Musselshell	Roundup
Scott, H. F.	Rep.	Yellowstone	Billings
Searles, Chas. A.	Ind.	Mineral	Alberton
Sedgwick, J. Lee	Rep.	Chouteau	Ft. Benton
Smith, David C.	Rep.	Missoula	Missoula
Smith, Park	Rep.	Lewis & Clark	Helena
Stone, R. E.	Dem.	Cascade	Great Falls
Sullivan, M. J.	Dem.	Jefferson	Alhambra
Taylor, C. E.	Soc.	Phillips	Saco
Vidal, C. E. K.	Dem.	Cascade	Great Falls
Wallin, W. J.	Rep.	Rosebud	Rosebud
Wells, H. R.	Dem.	Custer	Miles City
Willis, John	Dem.	Valley	Glasgow
Wilde, J. P.	Dem.	Flathead	Whitefish

W. J. WALSH, Chief Clerk.

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SESSION LAWS

CHAPTER 1.

"An Act to amend Sections 62 and 63 and to repeal Sections 65 and 66 of Article III, Chapter II of the Revised Codes of Montana, 1907, relating to the number, designation, election and appointment of officers and employes of the Legislative Assembly; also to amend Section 74 and to repeal Section 75 of Article IV, Chapter II of the Revised Codes of Montana, 1907, relating to the powers and duties of officers and employes of the Legislative Assembly; also amending Chapter 37 of the Laws of the Thirteenth Legislative Assembly entitled, 'An Act to amend Section 79 of the Revised Codes of Montana of 1907 as amended by Chapter 45, Laws of the Eleventh Session of the Legislative Assembly of the State of Montana, relating to the compensation of certain officers and employes of the Legislative Assembly.' "

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 62 of the Revised Codes of the State of Montana of 1907, is hereby amended to read as follows:

Officers and employes of Senate.

Section 62. The officers and employes of the Senate shall consist of a President, President pro tem, one Secretary, one Assistant Secretary, one Sergeant-at-Arms, two Assistant Sergeant-at-Arms, one Journal Clerk, one Assistant Journal Clerk, one Enrolling Clerk, one Assistant Enrolling Clerk, one Engrossing Clerk, one Assistant Engrossing Clerk, one Reading Clerk, one Printing Clerk, one Bill Clerk, one Doorkeeper, two Assistant Doorkeepers, one Janitor, two Assistant Janitors, one Day Watchman, one Night Watchman, one Chaplain, five Pages, and such number of Committee Clerks as the Senate may, by motion from time to time determine, not exceeding twenty-nine in number.

Section 2. That Section 63 of the Revised Codes of the State of Montana of 1907, is hereby amended to read as follows:

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Officers and employes of House.

Section 63. The officers and employes of the House of Representatives shall consist of a Speaker, Speaker pro tem, one Chief Clerk, one Assistant Chief Clerk, one Sergeant-at-arms, two Assistant Sergeant-at-Arms, one Journal Clerk, one Assistant Journal Clerk, one Enrolling Clerk, one Assistant Enrolling Clerk, one Engrossing Clerk, one Assistant Engrossing Clerk, one Reading Clerk, one Printing Clerk, one Bill Clerk, one Doorkeeper, two Assistant Doorkeepers, one Janitor, three Assistant Janitors, one Day Watchman, one Night Watchman, one Chaplain, seven Pages, and such number of Committee Clerks as the House may, by motion, from time to time determine, not exceeding seventy in number.

Section 3. That Section 74 of the Revised Codes of the State of Montana of 1907, is hereby amended to read as follows:

All bills must be engrossed and enrolled, when.

Section 74. The Engrossing Clerks and Enrolling Clerks must, within forty-eight hours after their reception, engross or enroll all bills delivered to them for engrossment or enrollment, unless further time be granted.

Section 4. That Chapter 37 of the Laws of the Thirteenth Legislative Assembly be amended to read as follows:

Salaries of legislative officers.

Section 79. There must be paid to the Secretary of the Senate, the Chief Clerk of the House of Representatives, and the Sergeant-at-Arms of each House, Ten Dollars per day each; to the Assistant Secretary of the Senate, the Assistant Chief Clerk of the House of Representatives, the Journal Clerk, the Engrossing Clerk, Enrolling Clerk and Assistant Sergeant-at-Arms, Eight Dollars per day each; to the Bill Clerk, Assistant Journal Clerk, Printing Clerk, Reading Clerk, the Clerks of the President of the Senate and Speaker of the House, the Judiciary Clerk of each House, the Clerks of the Chief Clerk of the House and the Secretary of the Senate, Six Dollars per day each; to the Committee Clerks, Doorkeepers, Janitors, Assistant Janitors, Watchman, and Chaplain of each House, Five Dollars per day each; to each Page and Messenger, Four Dollars per day; to all employes of the Legislative Assembly not herein specifically enumerated, Five Dollars per day each.

Additional help for the Legislature may be employed, when and how.

Section 5. The Senate and House of Representatives may by a joint resolution, adopted and spread upon the minutes of each House, provide for the employment of additional help in cases of emergency where extraordinary conditions render such a course necessary for the orderly and expeditious conduct of the business of the Legislative Assembly. The resolution shall set forth the facts and

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circumstances which makes such action necessary and the number of additional employes required and the general nature of their duties.

Repealing named sections.

Section 6. That Sections 65 and 66, Article III, Chapter II of the Revised Codes of Montana, 1907, and Section 75 of Article IV, Chapter II of the Revised Codes of Montana, 1907, be and the same are, hereby repealed.

Repealing conflicting laws.

Section 7. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 8. This Act shall take effect and be in force from and after its passage and approval.

Approved January 22nd, 1915.

CHAPTER 2.

"An Act amending Sections numbered 2, 6 and 29 of Chapter 57, Laws of the Twelfth Legislative Assembly of the State of Montana, entitled 'An Act providing for a commission form of government for cities, providing for the election of officers therein, defining their duties and powers and providing for their compensation.'"

Be it enacted by the Legislative Assembly of the State of Montana:

Commission form of government of cities, how amended.

Section 1. That Section 2 of Chapter 57, Laws of the Twelfth Legislative Assembly of the State of Montana, entitled "An Act providing for a commission form of government for cities, providing for the election of officers therein, defining their duties and powers and providing for their compensation," be, and the same is hereby amended so as to read as follows:

Question of reorganization may be submitted, how.

Section 2. Upon a petition being filed with the city council, signed by not less than 25 per cent of the qualified electors of such city registered for the last preceding general city election, praying that the question of reorganization under this Act be submitted to the qualified electors of such city, said city council shall thereupon and within thirty days thereafter, order a special election to be held, at which election the question of reorganization of such city, under the provisions of this Act shall be submitted to the qualified electors of such city.

Special election must be ordered within 30 days.

Order of election shall specify, what.

Such order of the city council shall specify therein the time when such election shall be held, which must be within ninety days from the date of the filing of such petition.

Amending section 6.

Section 2. That Section 6 of Chapter 57, Laws of the Twelfth Legislative Assembly of the State of Montana, entitled "An Act providing for a commission form of

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government for cities, providing for the election of officers therein, defining their duties and powers and providing for their compensation," be, and the same is hereby amended so as to read as follows:

Special election to elect city officers shall be called, when.

Section 6. If a majority of the votes cast at such election shall be in favor of such proposition, the city council must, at its first regular meeting held thereafter, order a special election to be held for the purpose of electing a mayor and the number of councilmen to which such city shall be entitled, which order shall specify the time of holding such election which must be within ninety days after the making of said order, and the mayor shall thereupon issue a proclamation setting forth the purposes for which such special election is called and the day of holding the same, which proclamation shall be published for ten successive days in each daily newspaper published in such city, if there be such, otherwise once a week for two consecutive weeks in each weekly newspaper published therein, and a copy thereof shall also be posted at each voting place within said city, and also in at least ten of the most public places in said city.

Order to specify, what.

Mayor's proclamation calling election for city officers.

To be published, when and how.

Copies to be posted.

Amending section 29.

Section 3. That Section 29 of Chapter 57, Laws of the Twelfth Legislative Assembly of the State of Montana, entitled "An Act providing for a commission form of government for cities, providing for the election of officers therein, defining their duties and powers and providing for their compensation," be, and the same is hereby amended so as to read as follows:

Recall of elective officers.

Procedure.

Recall petition, to be signed by whom.

Statement.

Signatures on separate petitions, or papers.

Verifications to petition.

Clerk to ascertain if requisite number have signed petition.

Section 29. The holder of any elective office may be removed at any time by the electors qualified to vote for a successor of such incumbent. The procedure to effect the removal of an incumbent of an elective office shall be as follows: A petition signed by 25 per cent. of all qualified electors registered for the last preceding general municipal election, demanding an election of a successor of the person sought to be removed shall be filed with the city clerk, which petition shall contain a general statement of the grounds for which the removal is sought. The signatures to the petition need not be appended to one paper, but each signer shall add to his signature his place of residence giving the street and number. One of the signers of such paper shall make oath before an officer competent to administer oaths that the statements therein are true as he believes, and that each signature to the paper appended is the genuine signature of the person whose name it purports to be. Within ten days from the date of filing such petition the city clerk shall examine, and from the voters' register ascertain whether or not said petition is signed by the

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requisite number of qualified electors, and, if necessary, the council shall allow him extra help for that purpose; and he shall attach to said petition his certificate, showing the result of said examination. If, by the clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same; without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be deemed to be sufficient the clerk shall submit the same to the council without delay. If the petition shall be found to be sufficient the council shall order and fix a date for holding said election, not less than seventy (70) days nor more than eighty (80) days from the date of the clerk's certificate to the council that a sufficient petition is filed.

Certificate of Clerk.

Amended petition.

Further examination by city clerk.

Insufficient, petition to be returned without prejudice.

Council to order and fix date of recall election, when.

The council shall make, or cause to be made, publication of notice and all arrangements for holding such election, and the same shall be conducted, returned and the result thereof declared, in all respects as are other elections.

Duty of council concerning election.

As far as applicable, except as otherwise herein provided, nominations hereunder shall be made without the intervention of a primary election by filing with the clerk at least ten days prior to said special election, a statement of candidacy accompanied by a petition signed by electors entitled to a vote at said special election equal in number to at least ten per cent of the entire number of persons registered to vote at the last preceding general municipal election, which said statement of candidacy and petition shall be substantially in the form set out in Section 12 of this Act, so far as the same is applicable substituting the word "special" for the word "primary" in such statement and petition, and stating therein that such person is a candidate for election instead of nomination. The ballot for such special election shall be in substantially the following form:

Nominating petitions to fill vacancies in case of recall.

Statement of candidacy.

Form of ballot for such special election.

Official Ballot.

Special election for the balance of the unexpired term of.....as.....for.....

(Vote for one only.)

(Name of candidates.)

Name of present incumbent.

Official ballot attest.

(Signature) .....

City Clerk.

The successor of any officer so removed shall hold office during the unexpired term of his predecessor. Any

Term of elected successor.

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Officer sought to be removed may be a candidate.

Candidate receiving highest number of votes.

When officer to be deemed removed.

Office to be deemed vacant, when.

Method of removal to be cumulative.

Conflicting Acts repealed.

person sought to be removed may be a candidate to succeed himself, and unless he requests otherwise in writing, the clerk shall place his name on the official ballot without nomination. In any such removal election, the candidate receiving the highest number of votes shall be declared elected. At such election, if some other person than the incumbent receives the highest number of votes the incumbent shall thereupon be deemed removed from the office upon the qualification of his successor. In case the party who receives the highest number of votes should fail to qualify within ten days after receiving notification of the election the office shall be deemed vacant. If the incumbent receive the highest number of votes, he shall continue in office. The said method of removal shall be cumulative, and additional to the methods heretofore provided by law.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act shall take effect, and be in force from and after its passage and approval.

Approved Feby. 1st, 1915.

CHAPTER 3.

"An Act to amend Sections 7561, 7562, 7563, 7567, 7568 and 7570 of the Revised Codes of the State of Montana, relating to the sale of real property belonging to the estates of deceased persons."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 7561 of the Revised Codes of the State of Montana is hereby amended so as to read as follows:

Executor or administrator may sell real estate of deceased, when.

7561. When a sale of the property is necessary to pay the allowance of the family, or the debts outstanding against the decedent, or the debts, expenses, or charges of administration, or legacies; or when it appears to the satisfaction of the court that it is for the advantage, benefit, and best interests of the estate, and those interested therein, including the minor heirs, if any, that the real estate, or some part thereof, be sold, the executor or administrator may sell any real as well as personal property of the estate, upon the order of the court or judge; and an application for the sale of real property may also embrace the sale of personal property.

Application for sale may embrace personal property also.

Section 2. That Section 7562 of the Revised Codes is hereby amended so as to read as follows:

7562. To obtain such order for the sale of real prop-

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Petitions for sale.

Contents of petition.

erty, he must present a verified petition to the court or judge, setting forth the amount of personal property that has come to his hands, and how much thereof, if any remains undisposed of; the debts outstanding against the decedent, as far as can be ascertained or estimated; the amount due upon the family allowance, or that will be due after the same has been in force one year; the debts, expenses and charges of administration already accrued, and an estimate of what will or may accrue during the administration; a general description of all the real property of which the decedent died seized, or in which he had any interest, or in which the estate has acquired any interest and the condition and value thereof; and the names of the legatees and devisees, if any, and of the heirs of the deceased, so far as known to the petitioner; and if said order for sale of real estate is petitioned for on the ground that it is for the advantage, benefit and best interests of the estate, and those interested therein, including the minor heirs, if any, that a sale be made, the petition, in addition to the foregoing facts, must set forth in what way an advantage or benefit would accrue to the estate, and those interested therein, by such sale. If any of the matters here enumerated cannot be ascertained, it must be so stated in the petition; but a failure to set forth the facts showing the sale to be necessary will not invalidate the subsequent proceedings, if the defect be supplied by the proofs at the hearing, and the general facts showing such necessity be stated in the order.

Petition on grounds of advantage, benefit or best interests of estate.

Failure to set forth required facts cured by proofs at hearing, when.

Section 3. That Section 7563 of said Revised Codes is hereby amended so as to read as follows:

Petition to be filed and order to show cause to be made, when.

7563. If it appears to the court or judge, from such petition that it is necessary or that it would be for the advantage, benefit, and best interests of the estate, and those interested therein, including the minor heirs, if any, to sell the whole or some portion of the real estate for the purposes and reasons mentioned in the preceding section, or any of them, such petition must be filed and an order thereupon made, directing all persons interested in the estate to appear before the court or judge, at a time and place specified, not less than four nor more than ten weeks from the time of making such order, to show cause why an order should not be granted to the executor or administrator to sell so much of the real estate of the decedent as is necessary.

Section 4. That Section 7567 of said Revised Codes is hereby amended so as to read as follows:

Court may order sale of all or part of the estate, when.

7567. If it appears necessary, or that it is for the advantage, benefit, and best interests of the estate and those interested therein, including the minor heirs, if any,

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to sell part of the real estate and that by a sale thereof the residue of the estate, real or personal or some specific part thereof, would be greatly injured, or diminished in value, or subjected to expense, or rendered unprofitable, or that after any such sale the residue would be so small in quantity or value or would be of such character, with reference to its future disposition among the heirs or devisees, as clearly to render it for the best interest of all concerned that the same should be sold, the court or judge may authorize the sale of the whole estate, or of any part thereof necessary and for the best interest of all concerned.

Section 5. That Section 7568 of said Revised Codes is hereby amended so as to read as follows:

Order of sale must be made, when.

7568. If the court or judge is satisfied, after a full hearing upon the petition and an examination of the proofs and allegations of the parties interested, that a sale of the whole or some portion of the real estate is necessary, for any of the causes mentioned in this article, or that a sale of the whole or some portion of the real estate is for the advantage, benefit and best interests of the estate and those interested therein, including the minor heirs, if any, or if such sale be assented to by all of the persons interested, an order must be made to sell the whole, or so much and such parts of the real estate described in the petition, as the court or judge shall judge necessary or beneficial.

Section 6. That Section 7570 of said Revised Codes is hereby amended so as to read as follows:

When any person interested may make application for order of sale.

7570. If the executor or administrator neglects to apply for an order of sale when it is necessary, or when it is for the advantage, benefit, and best interests of the estate, and those interested therein, including the minor heirs, if any, that the real estate, or some portion thereof be sold, any person in interest may make application therefor, in the same manner as the executor or administrator, and notice thereof must be given to the executor or administrator before the hearing. The petition of such applicant must contain as many of the matters set forth in Section 7562 as he can ascertain, and the order of sale must fix the period of time within which the executor or administrator must make the sale.

Notice to the executor or administrator.

Contents of petition.

Section 7. That all Acts and parts of Acts in conflict herewith are hereby repealed.

Conflicting Acts repealed.

Section 8. This Act shall be in full force and effect from and after its passage and approval.

Approved Feby 2nd, 1915.

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CHAPTER 4.

"An Act to amend Section 7625 of the Revised Codes of Montana of 1907 relating to the cure of defects in sales of lands and personal property by executors, administrators and guardians."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 7625 of the Revised Codes of Montana of 1907 be and the same is hereby re-enacted and amended so as to read as follows:

Legalizing or curing certain sales by executors, administrators and guardians.

Section 7625. All sales by executors and administrators of their decedent's real and personal property and all sales by guardians of their ward's real and personal property, in this State which previous to the date of this amendatory Act were made to purchasers for a valuable consideration, which consideration has been paid by such purchasers to such executors or administrators or guardians or their successors in good faith, and such sales shall not have been set aside by the District or Probate Court having jurisdiction thereof, shall be sufficient to sustain an executor's or administrator's or guardian's deed or conveyance to such purchaser for such real or personal property; and, in case such deed or conveyance shall not have been given, shall entitle such purchaser to such deed or conveyance; and such deed or conveyance, if now or when executed, shall be sufficient to convey to such purchaser all the title that such decedent or ward had in said real or personal property; and all irregularities in obtaining the order of the court for such sale, and all irregularities or defects in making or conducting such sale by said executor or administrator or guardian shall be disregarded, and such sale shall not be invalidated by reason of any such defect or irregularity.

Deeds shall be given, when.

Curing irregularities in proceedings and sales heretofore.

Section 2. All Acts and parts of Acts inconsistent with this Act are hereby repealed.

Section 3. This Act shall take effect and be in force from and after its passage and approval.

Approved Feby 2nd, 1915.

CHAPTER 5.

An Act to amend Section 6847 of the Revised Codes of Montana of 1907 relating to the cure of defects in judicial sales of real property."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6847 of the Revised Codes of Montana of 1907 be and the same is hereby re-enacted and amended so as to read as follows:

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Validating judicial sales made prior to January 1, 1914.

Section 6847. All judicial sales of real property which, previous to January 1, 1914, (provided no action is now pending to set such sale aside), were made in this State on proceedings to satisfy valid judgments or decrees of any court and the moneys bidden thereon paid to the officer making such sale shall be valid and sufficient in law to sustain a sheriff's deed based on such sale, and when no such deed has been executed, shall entitle such purchaser to such deed; and such deed if now or when executed shall be sufficient to convey all the title of judgment debtor at the time of such sale in the premises so sold to the purchaser at said sale, and all defects or irregularities in the issuance of execution, or the manner of making or conducting the sale, or in the recitals or references in such deed, shall be disregarded and such sale shall not be invalidated by reason of any such defect or irregularity.

Purchaser entitled to deed.

Deed shall be sufficient to convey, what.

Irregularities in issuing executions and conducting sales and in recitals cured.

Section 2. All Acts and parts of Acts inconsistent with this Act are hereby repealed.

Section 3. This Act shall take effect and be in force from and after its passage and approval.

Approved Feby 2nd, 1915.

CHAPTER 6.

"An Act to amend Section 6293, Revised Codes of 1907, authorizing Courts of Record to make rules for their government and the government of its officers; providing that in case of the failure or refusal of any District Court to adopt and promulgate rules of court, the Supreme Court may upon application of any interested party, adopt rules for the government of such court and prescribing a penalty for the violation of such rules so adopted by the Supreme Court."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6293, Revised Codes of 1907, be and the same is hereby amended to read as follows:

Courts of record may make rules.

Limitations on rules.

Supreme Courts may make rules for District Courts, when.

Rules to remain in force until when.

Section 6293. Every Court of Record may make rules not inconsistent with the laws of this State, for its own government and the government of its officers; but such rules must not impose any tax or charge upon any legal proceedings, or give any allowance to any officers for services. In case of the failure or refusal of any District Court to adopt and promulgate rules of court, the Supreme Court may upon the application of any interested person, adopt and promulgate rules for the government of such court, and when adopted and promulgated such rules shall remain in full force and effect until

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modified or repealed by the authority adopting them. Any judge who shall fail or refuse to comply with and carry out in good faith the rules of court adopted by the Supreme Court, as herein provided for, shall be guilty of a contempt of the Supreme Court.

Judges in contempt of Supreme Court, when.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall take effect and be in force from and after its passage and approval.

Approved Feby 3rd, 1915.

CHAPTER 7.

"An Act to amend Section 6278, Revised Codes of 1907, relating to the number of terms or sessions of court, which may be held in a district having more than one judge; the departments into which such court may be divided; directing the apportionment of business of the court among the judges thereof; providing that in case of failure to make such apportionment of business by the judges of said court, the Supreme Court, may upon application of any interested person, make an order apportioning such business and providing that a failure or refusal of any District Judge to carry out the orders of the Supreme Court shall constitute a contempt of the Supreme Court."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6278, Revised Codes of 1907, be and the same is hereby amended to read as follows:

Section 6278. In each Judicial District which has now or may hereafter have more than one judge, as many terms or sessions of court may be held at the same time as there are judges in the district, either elected or appointed to, called into or assigned to the performance of the duties of holding court therein. The judges elected or appointed to hold office in each Judicial District, having more than one judge, may divide the court into departments, prescribe the order of business and make rules for the government of such court. They must apportion the business of the court among themselves as equally as may be, but in case of their failure to make such apportionment for any cause, the Supreme Court, upon application of any interested person, shall make an order apportioning such business and cause the same to be entered upon the minute book of the District Court in each county in such district and such order shall remain in full force and effect until modified or repealed by the

Number of terms of court at same time in districts having more than one judge.

Court may be divided into departments.

Order of business and rules.

Apportionment of business.

Supreme Court may apportion business of District Courts, when.

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Judge shall be in contempt of court, when.

authority making it. The failure or refusal of any District Judge to carry out the terms of such order, shall constitute a contempt of the Supreme Court.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall take effect and be in force from and after its passage and approval.

Approved Feby 3rd, 1915.

CHAPTER 8.

"An Act providing for the number of Deputies allowed all County Attorneys in Counties of the first class, and fixing the amount of their salaries."

Be it enacted by the Legislative Assembly of the State of Montana:

Deputies to county attorneys in first class counties.

Section 1. That County Attorneys in all counties of the first class shall be allowed to appoint the number of five deputies, one of which shall be the Chief Deputy.

Section 2. The annual compensation allowed to any Deputy County Attorney, in counties of the first class, is as follows:

Salaries of such deputies.

One Chief Deputy, Twenty-four Hundred Dollars.

All other Deputies, Eighteen Hundred Dollars.

Conflicting Acts repealed.

Section 3. That all Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved Feby 3rd, 1915.

CHAPTER 9.

"An Act to amend Section 6 of Chapter 146, Session Laws of the Twelfth Legislative Assembly of the State of Montana, relating to tuberculin tests and the quality and kind of tuberculin to be used therein."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 6 of Chapter 146, Session Laws of the Twelfth Legislative Assembly of the State of Montana, is hereby amended to read as follows:

Quality of tuberculin to be used in tests.

Section 6. All tuberculin used for making tests under the provisions of this Act, shall be of the kind and quality prescribed by the State Livestock Sanitary Board and must whenever possible be obtained from the United States Bureau of Animal Industry, and the manner and method of testing cattle under the provision of this Act, shall be in accordance with the rules and regulations prescribed by the said Board.

Manner and method of tests.

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Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed. Conflicting Acts repealed.

Section 3. This Act shall take effect immediately upon its passage and approval by the Governor.

Approved Feby 9th, 1915.

CHAPTER 10.

"An Act to repeal Chapter 79 of the Laws of 1909, relating to the duty of the Sheriff of each county to visit, in January and July of each year, every place within his county required by law to have a Liquor License, to ascertain if the License Law is being violated, to inspect and list licenses and report to the Board of County Commissioners."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Chapter 79 of the Session Laws of 1909 be, and the same is, hereby repealed. Chapter 79, Laws 1909, repealed.

Section 2. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved Feby. 9th, 1915.

CHAPTER 11.

"An Act regulating the sale of imported meats, lard, and dairy products within the State of Montana."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Every person, company, or corporation, selling or offering for sale in the State of Montana such food products as meat, lard, eggs, butter or any other dairy products, imported from foreign countries, shall affix by pasting upon such food products sold or offered for sale, or upon the case or package in which such food products may be contained, a label upon which shall be printed the name of the country or countries from which such product has been imported, the date when shipped, and the date when received by the person, company, or corporation selling or offering same for sale. Imported meats, lard, eggs, butter, etc., to be labeled. Label to contain, what.

Section 2. Any person, company, or corporation who shall violate any of the provisions of this Act shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than Twenty-five Dollars ($25.00) or not more than One Hundred Dollars ($100.00), or by imprisonment in the County Jail for not Penalty for violating Act.

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less than five (5) days or more than thirty (30) days, or by both such fine and imprisonment.

Section 3. This Act shall be in full force and effect after June First, 1915.

Approved Feby. 11th, 1915.

CHAPTER 12.

"An Act to facilitate the publication of election returns."

Be it enacted by the Legislative Assembly of the State of Montana:

County clerk shall send out six printed forms and return envelopes with election supplies.

Section 1. In sending out election supplies to each precinct for each general election it shall be the duty of the County Clerk in each county to send with such supplies not less than six printed forms, with a return envelope, for the use of judges of election in transmitting election returns for public information. Said printed forms shall be in ballot form on tinted paper, and the name of each candidate and each proposition voted on shall be printed on said blank. Brief instructions for the use of said blank, as contained in this Act, shall also be printed on said blank.

Contents of such forms.

Duty of judges of election to copy total votes cast for each candidate and proposition, etc., on blanks furnished.

Section 2. As soon as all of the ballots have been counted in any precinct it shall be the duty of the election judges to correctly copy the total vote cast for each candidate and the total vote cast for and against each proposition on the blanks furnished by the County Clerk, as provided in Section 1 of this Act.

Blanks to be posted at polling places and copy to county clerk.

Section 3. One of said blanks, properly filled out, shall be posted forthwith at the polling place; and one copy, correctly filled out, shall be sent by mail or by messenger, when the same can be done without expense, to the County Clerk. Said copy may be sent by the same messenger carrying the official election returns, but the same shall not be enclosed or sealed with the other returns.

Not to be inclosed with official returns.

Penalty for failing to comply with provisions of Act.

Section 4. Any judge of election, or other officer, who shall fail or refuse to comply with the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding Fifty Dollars ($50.00).

Conflicting laws repealed.

Section 5. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 6. This Act shall take effect and be in force from and after its passage and approval.

Approved Feby. 11th, 1915.

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CHAPTER 13.

"An Act authorizing counties to issue bonds or warrants to procure seed grain for needy farmers resident therein; providing for advertising and receiving bids for the purchase of said bonds; providing for the depositing of the money realized from the sale of such bonds; providing for the creation of a sinking fund for the purpose of purchasing seed grain; providing for the distribution of said seed grain among the needy farmers; providing for the levying of a tax and lien against the property of the person to whom said grain has been distributed, and for the security to the county of the payment by said person of the tax and lien against said property; providing penalties for the violation of said Act."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. In any county of the State where the crops for the preceding year have been a total or partial failure by reason of drouth, or other cause, it shall be lawful for the Board of County Commissioners of such County to issue the bonds of the County under and pursuant to the provisions of this Act, and with the proceeds derived from the sale thereof, to purchase seed wheat for the inhabitants thereof who are in need of seed grain and are unable to procure the same, whenever said Board shall be petitioned in writing to do so, by not less than one hundred freeholders resident in the County; and said Board at a meeting called as hereinafter provided to consider said petition, shall by a majority vote determine whether the prayer of the petitioners shall be granted or not; provided, that all such petitions shall be filed with the County Auditor, or County Clerk, on or before the first day of April; and thereupon it shall be the duty of said officer to forthwith call a meeting of the Board of County Commissioners of his County to consider said petitions; and provided, further, that the total amount of bonds issued by any County under the provisions of this Act shall not, with the then existing indebtedness of the County, exceed the limit of indebtedness fixed by the constitution in such case; that said bonds shall be in denomination of five hundred dollars; shall bear a rate of interest not exceeding six per cent per annum, payable semi-annually at such place and times as shall be determined by the Board, and that all bonds issued under the provisions of this Act shall become due and payable in not less than two nor more than five years from the date thereof, the date of maturity to be fixed by the

Counties in which Act takes effect.

County commissioners may issue bonds to purchase seed grain.

Petition.

Majority of board to determine.

When petition must be filed.

Meeting of board to be called.

Limit of amount of bonds which may be issued.

Denomination, interest and term of bonds.

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county board at the time of the issuance thereof, with the above limitation.

Bonds to be signed by whom.

Section 2. Such bonds shall be signed by the chairman of the Board of County Commissioners and be attested by the County Auditor, or County Clerk, as the case may be, who shall affix the seal of the county thereto and shall have endorsed thereon a certificate signed by the County Auditor or County Clerk, stating that said bonds are issued pursuant to law and are within the debt limit.

Certificate of auditor or clerk.

Sealed proposals and notice for same.

Section 3. It shall be the duty of said Board to receive sealed proposals for the purchase of said bonds after giving notice for ten days in three newspapers of general daily circulation, published as follows: One in the city of St. Paul, in the State of Minnesota; one in the city of Helena, in the State of Montana; and one in the county where the bonds are to be issued, if there be one published in such county, if not, then publication may be made in a weekly newspaper published in said county, if there be one so published, and said bonds shall be sold to the highest bidder for cash; provided, the same shall not be sold for less than their par value; and provided, further, that the said Board may reject all bids and postpone the sale of said bonds for a time not exceeding fifteen days.

Notices to be published, when.

To be sold to highest bidder, for not less than par.

All bids may be rejected.

Proceeds of bond sale to be paid to the county treasurer.

Section 4. The proceeds arising from the sale of said bonds shall be paid by the purchaser thereof to the County Treasurer of the County, or to his authorized agent at the time of the delivery thereof, and such proceeds shall be paid out only on the order of the Board of County Commissioners.

County treasurer may be required to furnish additional official bond.

Section 5. The said Board may, in its discretion, require the County Treasurer to give an additional bond with sureties to be approved by the Board, in a sum to be determined by said Board, before the proceeds of said bonds are paid into the Treasury.

Tax levy to pay bonds.

Section 6. For the purpose of securing prompt payment of the principal and interest, of said bonds, there shall be levied by the Board of County Commissioners at the time and in the manner other taxes are levied, such sums as shall be sufficient to pay such interest, and in addition thereto, a sinking fund tax shall be annually levied sufficient to pay and retire said bonds at their maturity, and it shall be the duty of the County Treasurer to pay promptly the interest upon said bonds as the same shall fall due. No tax or fund provided for the payment of such bonds, either principal or interest, shall at any time be used for any other purpose; provided, however, that the Board of County Commissioners may direct the County Treasurer to deposit any part or portion of the sinking

Sinking fund tax.

Duty to pay interest promptly.

Proceeds of tax to be used for no other purpose.

When bonds may be deposited.

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fund herein provided for, in any bank furnishing satisfactory security to the State of Montana, to be approved by the Board, and receive interest on the same, which shall be credited to said sinking fund. Before the bonds are delivered to the purchaser the Treasurer of the County shall register them in a book to be provided for that purpose, known as the bond register, in which register he shall enter the number of each bond, its date, date of maturity, amount, rate of interest, to whom, and where payable. It shall be the duty of the Treasurer when said bonds or any coupons attached thereto are paid, to cancel the same by writing upon the face thereof the word "Paid" and the date of payment. The Board of County Commissioners may issue warrants instead of bonds, if in their judgment the best interest of the County are thereby served; provided, that such warrants shall not be issued in any single amount to exceed three thousand dollars.

Bonds to be registered, when and how.

Cancellation of paid bonds and coupons.

Board may issue warrants instead of bonds.

Limit to total amount of warrants.

Section 7. The fund arising from the sale of said bonds or warrants shall be applied exclusively by the said Board for the purchase of seed grain for residents of the County who are unable to procure the same, provided, that not more than one hundred bushels of wheat or its equivalent in other grain shall be furnished to any one person.

Funds arising from sale of bonds to be used for what purpose.

Limit of amount of grain to one person.

Section 8. In providing for the purchase of seed grain the commissioners may in lieu of issuing bonds, order warrants drawn upon the general fund of the County to pay for the seed grain purchased under the general provisions of this Act.

Warrants may be drawn on the general fund.

Section 9. All persons entitled to, and wishing to avail themselves of the benefit of this Act, shall file with the County Auditor, or County Clerk, of the County where said applicant resides, on or before the first day of April, an application duly sworn to before said County Auditor, or County Clerk, or some other officer authorized to administer oaths. Said application shall contain a true statement of the number of acres the applicant has plowed, or has prepared for seeding; how many acres the applicant intends to have plowed or prepared for seeding; how many bushels and what kind of grain he will require to seed the ground so prepared as aforesaid; how many bushels of grain the applicant harvested in the preceding year; that the applicant has not procured and is not able to procure the necessary seed grain for the current year; that he desires the same for seed and no other purpose, and that he will not sell or dispose of the same or any part thereof, but will use the same and the whole thereof in seeding the land so prepared or to be

Application for seed grain to be filed, when and where.

Statement to be contained in application.

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Description of property in the application and incumbrances.

prepared for crop. Said application shall also contain a true and full description of all the real and personal property owned by the applicant, and the incumbrances thereon; and a true description by government subdivisions of the land upon which the applicant intends to sow said seed grain. All applications filed under the provisions of this Act shall be consecutively numbered and shall be open to public inspection, and no application shall be considered by the Board of County Commissioners except such as have been made and filed in the manner prescribed in this section; provided, that the Board of Commissioners may in their discretion consider any application although made after the time so specified.

Applications to be consecutively numbered.

What other applications board may consider.

Board of county commissioners constituted a board of examination and adjustment.

Section 10. The Board of County Commissioners of each County issuing bonds or warrants under the provisions of this Act are hereby appointed and constituted a board of examination and adjustment of the applications for seed grain filed under the preceding section, and it shall be the duty of said Board to meet at the County Auditor or Clerk's office on the first Tuesday in March, or as soon thereafter as possible, to examine and consider separately each application filed under the provisions of this Act, and to determine who are entitled to the benefits thereof, and the amount to which each applicant is entitled, and said Board shall on or before the tenth day of April, deliver and file with the County Auditor, or County Clerk, its adjustment of the said applications which shall be signed by the chairman of the Board.

Board to meet at auditor or clerk's office, when and for what purposes.

Board shall file its adjustment, when.

Auditor or clerk to issue orders for seed.

Section 11. The County Auditor or County Clerk of each County shall, as soon as the County Commissioners shall have performed the duty prescribed in the preceding section, issue to each applicant demanding it, an order for the number of bushels of each kind of seed grain which has been allowed to said applicant, unless otherwise directed by the Board or the Chairman thereof; provided, however, that said order shall not be delivered until said applicant shall have signed a contract in duplicate, attested by the County Auditor or County Clerk, to the effect that said applicant for and in consideration of .....bushels of seed grain received from .....county, promises to pay to said county.....dollars, the amount of the cost of said seed grain; that said sum shall be taxable against all of the real and personal property of said applicant; that such tax shall be levied by the County Auditor or County Clerk, of his county and collected as other taxes are collected under the laws of this State; that the amount of such indebtedness shall become due and payable on

Order for seed grain not to be delivered until contract is executed.

Contents of contract.

To be taxed against property of applicant and levied by the county auditor or clerk.

Amount to become due, when.

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the first day of October in the year in which said seed grain is furnished together with interest on such amount from the first day of April of that year, at the rate of six per cent per annum, and if said indebtedness be not paid on or before the twentieth day of October of that year, it shall then be the duty of the County Auditor, or County Clerk, of the said County, to cause the amount of said indebtedness to be entered upon the tax lists of said County for that year, as a tax on the land on which said seed wheat was sown, and upon any other land owned by the applicant, to be collected as other taxes are, and the sum so entered and levied shall be a lien upon the real estate owned by said person until said indebtedness is fully paid, when it shall be the duty of the proper officer to cancel the same.

Amount of indebtedness to be entered on tax lists, when.

Amount to be a lien upon all real estate owned by applicant.

Section 12. Upon the filing of the contracts provided for in Section ten, the county shall acquire a just and valid lien upon the crops of grain raised each year by a person receiving seed grain to the amount of the sum then due to the county upon said contract, as against all creditors, purchasers or mortgagees, whether in good faith or otherwise, and the filing of said contract shall be held and considered to be full and sufficient notice to all parties of the existence and extent of said lien, which shall continue in force until the amount covered by said contract is fully paid.

County shall have lien upon the crops raised each year by receiver of seed grain.

Lien superior to what claims.

Filed contract to be deemed notice to whom.

Section 13. Each and every person who has received seed grain under the provisions of this Act, shall, as soon as his crops for the year wherein payment is to be made, are harvested and threshed, market a sufficient amount of grain to pay the amount then due on his contract and pay the same over to the Treasurer of his County.

Duty of persons receiving seed grain when crops are threshed.

Section 14. Any person or persons who shall, contrary to the provisions of this Act, sell, transfer, take or carry away, or in any manner dispose of the seed grain, or any part thereof, furnished by the County under this Act, or shall use or dispose of said seed grain, or any part thereof, for any other purpose than that of planting or sowing the same as stated in his application, or shall sell, transfer, take or carry away, or in any manner dispose of the crop, or any part thereof, produced from the sowing or planting of said seed grain, shall be guilty of a misdemeanor, and upon the conviction thereof shall pay a fine of not less than ten dollars, nor more than one hundred dollars, or may be imprisoned in the county jail for a term of not more than ninety days, and shall pay all the costs of prosecution, and whoever under any of the provisions herein shall be found guilty of false swearing shall be deemed to have committed perjury and shall,

Penalty for disposing of seed grain or crops therefrom contrary to provisions of this Act.

Perjury under this Act.

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upon conviction suffer the pains and penalties of that crime. Upon the filing of said application in the office of the Clerk and Recorder and the sowing of the seed obtained thereunder, the title and right of possession to the growing crop and to the grain produced from said seed shall be in the county which shall have furnished the seed until the debt incurred for said seed shall have been paid, and any seizure thereof or interference therewith, except by the applicant and those in his employ, for the purpose of harvesting, threshing and marketing the same to pay the debt aforesaid, shall be deemed a conversion thereof, and treble damages may be recovered against the person so converting the same by the county furnishing said seed.

Title and right of possession of grain grown from seed to be in the county.

Seizure or interference with such crop to be deemed a conversion.

Damages.

Section 15. It shall be the duty of the constables and the County Commissioners, Sheriffs and County Attorneys of the several counties furnishing seed grain under the provisions of this Act, having any knowledge of the violation of its provisions, to make complaint thereof to a Justice of the Peace, and said Justice shall thereupon issue a warrant for the arrest of the offender, and proceed to hear and determine the matter, or to bind the offender over to appear before the District Court as the case may be.

Duty of officers concerning violations of this Act.

Warrant or arrest and hearing.

Section 16. The County Commissioners of every county proposing to distribute seed grain under the provisions of this Act shall advertise such intention in such manner and for such length of time prior to the first day of April as is possible for them to do, giving notice that all applications must be filed with the County Auditor, or County Clerk by the first day of April; provided that no distribution of seed grain under the provisions of this Act shall take place prior to the fifth day of April. If more seed grain is applied for than can be supplied by the Commissioners under the provisions of this Act, a pro rata distribution shall be made by them among those who shall have been found entitled to the benefits of this Act. The Commissioners shall have the right to refuse any application which they may deem improper to grant, and they may revise their adjustment of applications, at any time before final distribution.

Commissioners to advertise intention to furnish seed grain.

Contents of notice.

Seed grain shall be pro rated, when.

Board may refuse applications, when.

Section 17. It shall be the duty of the Commissioners providing seed grain under the provisions of this Act, to purchase the same at the lowest price at which suitable grain can be obtained, and to furnish the same to applicants at the actual cost thereof to the Commissioners, with transportation and handling charges added, if any there be, and any person requiring or exhorting

Duty of commissioners in purchasing grain seed, and in furnishing same to applicants.

Misdemeanor.

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[extorting] from any applicant a greater price shall be deemed guilty of a misdemeanor.

Disposition of money collected on such grain contracts.

Section 18. All money received by the County Treasurer in payment of debts incurred under the provisions of this Act, shall be paid into, and become a part of the sinking fund herein provided for, and be used exclusively in the payment of expenses of publication and administration and in the purchase or payment of bonds or warrants issued hereunder.

Bonds and warrants may be retired, when and how.

Section 19. Said Board may at any time, with the concurrence of the owners thereof, pay and retire any of the bonds or warrants issued under the provisions of this Act out of the funds provided for that purpose, at not more than the par value thereof and accrued interest.

Taxes for purposes of Act not to be assessed, when.

Limit to amount of tax to be levied in any year.

Section 20. In case a sufficient fund has been paid into the county treasury in any one year, as provided in Section ten of this Act, to meet the interest and sinking fund provided for in this Act, then there shall be no tax assessed for such purpose in that year, and in no year shall there be a greater sum assessed than will, together with the balance at that date in the Treasury belonging to the seed grain fund, be sufficient to meet said interest and sinking fund promptly for that year.

Section 21. This Act shall take effect and be in force from and after its passage and approval.

Approved Feby 16th, 1915.

CHAPTER 14.

"An Act providing for indeterminate sentences of persons convicted of crime, and for the parole of such persons, and prescribing the duties of officials in connection therewith."

Be it enacted by the Legislative Assembly of the State of Montana:

Sentences shall be indeterminate except in certain crimes.

Section 1. Whenever, after the passage and approval of this Act, any person shall be found guilty of any crime or offense punishable by imprisonment in the State prison, except treason, murder in the first degree, rape by force, or administering poison to a human being with intent to kill, the court must, instead of fixing the punishment at a definite term, provide in the sentence and judgment that the defendant be confined in such prison for not less than a certain time, nor longer than a certain time, both the minimum and the maximum time shall be named in such judgment, and such minimum time shall not be less than the minimum time named in law prescribing punishment for such crime or offense nor shall the maximum time named in such judgment exceed the maxi-

Judgment must state minimum and maximum time.

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Minimum time not less than six months.

mum punishment named in such law; provided that in any judgment under this Act the minimum time shall not be less than six months. In all cases where the punishment is fixed by the jury the minimum and maximum time to be served shall be set forth in the verdict.

Convict receiving such sentence may be paroled, by whom, when.

Section 2. Any person receiving an indeterminate sentence as provided in this Act may, in the discretion of the Governor and State Board of Prison Commissioners, be paroled at any time after he shall have served in such prison the minimum time specified in such judgment.

Act shall not repeal chapter 21, Laws of 13th Session.

Act does not amend what laws.

Any convict may be paroled, when.

Section 3. This Act shall not have the effect of repealing or amending the provisions of Chapter 21 of the Session Laws of the Thirteenth Legislative Assembly, relating to suspending sentences, nor of amending existing laws relating to paroles except that any convict may be paroled after serving such minimum time, as in this Act provided.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved Feby 18th, 1915.

CHAPTER 15.

"An Act to provide for the establishment of heirship and quieting of title to real property in case of the granting of land in the State of Montana by the Federal Government, to the heirs of a deceased entryman."

Be it enacted by the Legislative Assembly of the State of Montana:

Action to establish title to property granted to the heirs of deceased entryman. Who may bring action.

Section 1. Whenever the government of the United States has heretofore, or shall hereafter grant lands in the State of Montana to the heirs of a deceased entryman, any person who claims an estate of inheritance or interest in such lands may bring and maintain an action in rem against all the world, in the District Court for the County in which such real property is situated to establish his title to such property and to determine all adverse claims thereto. Any number of separate parcels of land claimed by the plaintiff may be included in the same action.

What property may be included.

How action to be commenced.

Designation of parties defendants.

Complaint shall contain what.

Section 2. The action shall be commenced by the filing of a verified complaint, in which the parties so commencing the same shall be named as plaintiff, and the defendants shall be described as "All persons claiming any interest in or lien upon the real property herein described, or any part thereof," and shall contain a statement of the facts enumerated in Section 1 of this Act: a particular description of such real property, and shall specify the estate, title or interest of the plaintiff therein.

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Section 3. At the time of filing the complaint, the plaintiff shall file with the same, his affidavit fully and explicitly setting forth and showing: Affidavit to be filed by plaintiff.

1st. The character of his estate, right, title, interest or claim in the property. Contents.

2nd. Whether or not he has ever made any conveyance of his interest in said property or any part thereof, and if so, when, and to whom. Also statement of any and all existing mortgages, deeds of trust, judgments or other liens thereon.

3rd. When and where the deceased entryman of said property died, and what kin or relationship the claimant bore to the said entryman at the time of his death, and the names and residences of any other person who is next of kin or entitled to succeed to any portion of the lands, the subject of said action, and the names of, and residences of all persons who have liens upon the property, or any part thereof adversely to the plaintiff if he knows, or has been informed, or has been able to discover any such person. If the plaintiff is unable to state any one or more of the matters herein required, he shall set forth and show fully and explicitly the reasons for such inability. Such affidavit shall constitute a part of the Judgment Roll. If the plaintiff be a person under guardianship, the affidavit shall be made by his guardian.

Section 4. Upon the filing of the complaint and affidavit, a summons must be issued under the seal of the Court which shall contain the name of the Court and County in which the action is brought, the name of the plaintiff and the particular description of the real property involved, and shall be directed to "All persons claiming any interest in or lien upon the real property herein described, or any part thereof," as defendants, and shall be substantially in the following form: Summons to be issued. Contents of summons. Directed to whom.

In the District Court of the.....Judicial District of the State of Montana, in and for the County of..... Plaintiff vs. All persons claiming ay interest in, or lien upon, the real property herein described or any part thereof, Defendants. Form of summons.

The State of Montana to all persons claiming any interest in or lien upon the real property herein described, or any part thereof, Defendants, GREETING:

You are hereby required to appear and answer the complaint of ..... Plaintiff, filed with the Clerk of the above entitled Court, within sixty days after the first publication of this summons, and set forth what interest or lien, if any, you have in or upon that certain real property, or any part thereof, situated in the County of ....., State of Mon-

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tana, particularly described as follows: (Here insert description.)

And you are hereby notified that, unless you so appear and answer, the plaintiff will apply to the Court for the relief demanded in the complaint, to-wit: (Here insert a statement of the relief so demanded.)

Witness my hand and the seal of said Court this..... day of ..... A. D. 191.....

..... Clerk.

Publication of summons.

Newspaper to be designated by the court.

No other order or affidavit of publication necessary.

To be published, how long.

Memorandum of plaintiff's attorney to be appended to each publication.

Posting of copy of summons and memorandum.

Section 5. The summons shall be published in a newspaper of general circulation, published in the County in which the action is brought. The newspaper in which such publication is to be made, shall be designated by an order of the Court or Judge thereof, to be signed and filed with the Clerk. No other order for the publication of the summons shall be necessary, nor shall any affidavit therefor be required, nor need any copy of the complaint be served, except as hereinafter required. The summons shall be published at least once a week for a period of five weeks, and to each publication thereof shall be appended a memorandum, signed by the plaintiff's attorney, in substance as follows: "The following persons are said to claim an interest in, or lien upon said property, adverse to plaintiff." (Give names and addresses as above provided.) A copy of the summons, together with a copy of the foregoing memoranda, shall be posted in a conspicuous place on each separate parcel of the property described in the complaint within ten days after the first publication of the summons.

Summons to be personally served upon certain named defendants, with copy of complaint.

Time of service.

Copy of memorandum to be attached.

Service by mail on non-residents.

Section 6. If the said affidavit discloses the name of any person next of kin or relationship to the deceased entryman, or entitled to succeed to any part of said property, or the name of a person who claims, or may claim an interest by mortgage, trust deed, judgment or other lien, the said summons shall also be personally served upon such person if he can be found within the State, together with a copy of the complaint and a copy of said affidavit, during the period of the publication of the summons, and to the copy of the summons delivered to any such person, there shall be appended a copy of the memoranda provided for in Section 5 hereof. If such person resides out of the State, a copy of the summons, memoranda, complaint and affidavit shall be, within ten days after the first publication of the summons, deposited in the United States Post Office, enclosed in a sealed envelope, postage prepaid, addressed to such person at the address given in the affidavit, or if no address be given therein, then at the County seat of the County in which

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the action was brought. If such person resides within the State, and could not, with due diligence be found within the State within the period of the publication of the summons, then said notice aforesaid shall be mailed to him as above provided forthwith upon the expiration of said period of said publication.

If person resides in state and cannot be found.

Section 7. Upon the completion of the publication and posting of the summons and its service upon, and mailing to the persons, if any, upon whom it is hereby directed to be so specially served, the Court shall have full and complete jurisdiction over the plaintiff and the said property, and of the person of every one having or claiming any estate, right, title or interest in or to, or lien upon such property or any part thereof, and shall be deemed to have obtained the possession and control of said property for the purposes of the action, and shall have full and complete jurisdiction to render the judgment therein, which is provided for in this Act.

Jurisdiction of the court of the property involved and the parties to the action.

Court deemed to have possession and control of property for the purposes of the action.

Section 8. At any time within the first sixty days from the first publication of the summons, or within such further time not exceeding thirty days, as the Court may for good cause, grant any person having or claiming any estate, right, title or interest, in or to, or lien upon said property or any part thereof, may appear and make himself a party to the action by pleading to the complaint. All answers must be verified and set forth specifically the kin or relationship of the deceased entryman, and the estate, right, title, interest, or lien so claimed.

Time within which interested parties may appear and make himself a party to the action.

Verification and contents of answers.

Section 9. The plaintiff must, at the time of filing the complaint, and every defendant to claim, or claiming any affirmative relief, must at the time of filing his answer, record in the office of the County Clerk and Recorder of the County in which the property is situated, a notice of the pendency of the action, containing the object of the action, or the defense and a particular description of the property [affected] effected thereby; and the Recorder shall record the same in a book of the miscellaneous records of his office, and make a reference as to the date and time of the filing of such notice, and when recorded, to the book and page record thereof.

Lis pendens to be filed by parties.

Contents of lis pendens.

Recorder shall record same.

Section 10. No judgment in any such action shall be given by default, but the Court must require proof of the facts alleged in the complaint and other pleadings, and the Court must further make diligent inquiry of the plaintiff and all defendants appearing concerning the next kin of said deceased entryman, and upon such examination should any heir be discovered who has not been served, or who has not appeared, the Court may order

Default judgment not to be entered.

Duty of court to make diligent inquiry of parties.

Ordering discovered heirs to be brought in.

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such heir brought in if necessary for the determination herein provided for.

Judgment shall determine the heirship, etc.

Section 11. The judgment shall ascertain and determine the heirship of said deceased entryman and all estates, rights, titles, interests and claims in and to said property and every part thereof, whether the same be legal or equitable, present or future, vested or contingent, or whether the same consists of mortgages or liens of any description and shall be binding and conclusive upon every person who at the time of the commencement of the action, had or claimed to have any estate, right, title or interest in or to said property or any part thereof, and upon every person claiming under him by title subsequent to the commencement of the action. A certified copy of the judgment in such action shall be recorded in the office of the recorder of the County in which said action was commenced, and any party or the successor in interest of any party to said action, may at his option file for record in the office of the Recorder of such County, the entire judgment roll in said action.

Judgment to be conclusive, upon whom.

Certified copy of judgment to be recorded.

What rules of evidence and proceedings shall apply to actions hereunder.

Section 12. Except as herein otherwise provided, all the provisions and rulings of law relating to evidence, pleading, practise, new trials and appeals, applicable to other civil actions shall apply to the actions hereby authorized.

Depositions may be taken, when, and used by whom.

At any time after the issuance of the summons, any party to the action may take depositions therein in conformity to law, upon notice to the adverse party sought to be bound by such depositions and who have appeared in the action, if any, and upon notice filed with the Clerk. The depositions may be used by any party against any other party giving or receiving the notice (except the Clerk) subject to all just exceptions.

After one judgment is entered no subsequent action can be brought, until when.

Section 13. Whenever judgment in an action hereby authorized shall have been entered, as to any real property, no other action relative to the same property or any part thereof maintained under this Act shall be tried until proof shall first have been made to the Court that all persons who appeared in the first action, or their successors in interest have been personally served with the papers mentioned in Section 6 of this Act, either within or without this State, more than one month before the time to plead expired.

Executors, administrators, guardians, etc., may maintain or appear in an action.

Section 14. An executor, administrator or guardian, or other person claiming an interest by deed of conveyance or otherwise, may maintain, as plaintiff, and may appear and defend in the action herein provided for.

Remedies to be deemed cumulative.

The remedies provided for by this Act shall be deemed cumulative, and in addition to any other remedy for, or

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hereafter provided by law for quieting or establishing title to real property.

Section 15. All Acts and parts of Acts in conflict with this Act are hereby repealed. Conflicting Acts repealed.

Section 16. This Act shall be in force from and after its passage and approval.

Approved Feby. 18th, 1915.

CHAPTER 16.

"An Act to amend Section 2081 of the Revised Codes of the State of Montana providing for the establishment of fire limits in any unincorporated city or town, and for the levy of taxes therein for fire purposes, and the disbursement thereof."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2081 of Chapter XV of Title VII, Part III of the Revised Codes of 1907 of the State of Montana, be, and the same is hereby, amended to read as follows:

"Section 2081. The Board of County Commissioners are authorized to establish the fire limits in any unincorporated town or village, and at the time of the annual levy of taxes may levy a special tax upon all the property within such limits for the purpose of buying apparatus and maintaining the fire department of any such town or village, and such tax must be collected as are other taxes. All moneys so collected by the County Treasurer shall be disbursed by him upon warrants signed by the treasurer of the fire company and countersigned by its foreman. In the drawing of such warrants against the funds so collected by the County Treasurer, the foreman and treasurer of the fire company shall be governed by the by-laws of such fire company. It is provided that the provisions of this section shall not apply to payment of bonds and interest thereon as provided by Chapter 107 of the Laws of the Twelfth Legislative Assembly of the State of Montana."

Fire limits in unincorporated towns and villages.

Board of county commissioners to levy special tax for fire department.

How such money to be disbursed.

Rule in drawing warrants on fund.

Defining limit to effect of Act.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved Feby 18th, 1915.

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CHAPTER 17.

"An Act to provide for the recovery of attorney's fees in an action to establish a claim for salary or wages."

Be it enacted by the Legislative Assembly of the State of Montana:

Attorney's fees to be allowed by court in certain actions.

Section 1. In an action to establish a claim for salary or wages under the provisions of Part 3, Title 4, Chapter 3, of this Code, the court must allow as costs a reasonable attorney's fee to each claimant who establishes his claim as provided in Section 7302, of the Revised Codes of Montana, 1907, or to the defendant if such claim be not established.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall take effect after its passage and approval.

Approved Feby 18th, 1915.

CHAPTER 18.

"An Act to amend Section 6382 of the Revised Codes of the State of Montana of 1907 relating to the qualification for admission to practise law."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6382 of the Revised Codes of the State of Montana of 1907 be and the same is hereby amended so as to read as follows:

Applicants for admission to the bar to furnish proof of term of study, etc.

"Section 6382. Qualifications, Examination and Admission.—Every applicant for admission as an attorney and counselor must produce satisfactory testimonials of good moral character and a certificate of one or more reputable counselors at law that he has been engaged in the study of law for two successive years prior to the making of such application, and undergo a strict examination as to his qualifications by any one or more of the justices of the Supreme Court. The form and manner of the examination shall be as the justices may, from time to time, determine; provided, however, that a diploma from the department of law of the University of Montana at Missoula, or evidence of having completed the course in law of three years of said department, shall entitle the holder to a license to practise law in all the courts of this State, subject to the right of the Chief Justice of the Supreme Court of the State to order an examination as in ordinary cases of applicants without such diploma or evidence.

Must undergo a strict examination concerning his qualification.

Diploma from department of law of University of Montana.

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Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed. Conflicting Acts repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approval Feby 18th, 1915.

CHAPTER 19.

"An Act accepting the terms and provisions of the Act of Congress, approved May 8th, 1914, relating to co-operative agricultural extension work."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the State of Montana hereby accepts and assents to the terms and provisions of the Act of Congress, approved May 8th, 1914, entitled: Act accepting terms of Act of Congress concerning agricultural extension work.

"An Act to provide for co-operative agricultural extension work between the agricultural colleges in the several States receiving the benefits of an Act of Congress approved July second, eighteen hundred and sixty-two, and of Act supplementary thereto, and the United States Department of Agriculture."

Section 2. The President of the Agricultural College of the State of Montana is hereby authorized to enter into all necessary agreements with the Secretary of Agriculture of the United States, relative to the receipt and expenditures of all moneys paid to the State of Montana, or to such Agricultural College under the provisions of said Act, and to receive and expend such money in accordance with the provisions of said Act of Congress, and the agreement so made with said Secretary of Agriculture. President of the Agricultural College granted power to make certain contracts thereunder.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed. Repeal of conflicting Acts.

Section 4. This Act shall take effect and be in full force from and after its passage and approval.

Approved Feby 18th, 1915.

CHAPTER 20.

"An Act designating a day to be known as 'Good Roads Day.'"

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The third Tuesday in June in each year is hereby designated "Good Roads Day" and the Governor shall annually, on or before the first day of June, by public proclamation, request the people of the State to contribute labor, material, or money towards the improve- Designating "Good Roads Day", and duty of Governor.

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ment of public highways in their respective communities upon that day.

Section 2. This Act shall be in full force from and after its passage and approval.

Approved Feby 18th, 1915.

CHAPTER 21.

"An Act to amend Section 1791 of the Revised Codes of 1907, relating to marks and brands and making a recorded brand prima facie evidence of ownership."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1791 of the Revised Codes of 1907 be, and the same is hereby amended so as to read as follows:

Marks and brands.

Section 1791. Whenever any person wishes to have recorded a mark or brand for use on any animal, he shall make application therefor direct to the General Recorder of Marks and Brands, which application must be in writing and must contain the name, residence, and post office address of the applicant, and the species of the animals on which the mark or brand is to be used. The said Recorder shall thereupon designate the particular mark or brand to be used by the applicant, defining the position on the animal upon which the mark or brand shall be placed, and designate the species of animals on which the same is used. The General Recorder of Marks and Brands must keep a record in a book kept by him for that purpose, of the particular mark or brand, the position on the animal where the same is used, the species of animals on which the same is placed, and the name and address of the owner of such mark or brand and the date of recording; and a certified copy of such record, stating and containing all the things required to be recorded, shall be furnished without cost to the owner of such mark or brand. Such record shall be a public record and shall be prima facie evidence of the facts therein recorded and shall be open to the inspection of the public.

Applications to have recorded.

Duty of recorder of marks and brands.

Record to be kept.

Certified copy of record to be furnished to owner.

Record prima facie evidence.

In all actions or proceedings, whether civil or criminal, such certified copy shall be prima facie evidence of the ownership of such mark or brand and shall be prima facie evidence that the owner of such mark or brand is the owner of the animal on which the same appears in the position and on the species of animals stated in such certificate.

Fee for recording marks and brands.

The General Recorder of Marks and Brands shall charge and collect from the applicant the fee of two (2) dollars

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for each mark or brand recorded, which shall be paid in to the Stock Inspector and Detective Fund.

Conflicting Acts repealed.

Section 2. All Acts and parts of Acts in conflict with this Act be and the same are hereby repealed.

Section 3. This Act shall take effect and be in force from and after its passage and approval.

Approved Feby 18th, 1915.

CHAPTER 22.

"An Act to amend subdivision 3 of Section 6519 of the Revised Codes of Montana, 1907, relating to the manner of serving summons upon corporations."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Subdivision 3 of Section 6519 of the Revised Codes of Montana of 1907 be, and the same is hereby amended to read as follows, to-wit:

Summons, how served upon domestic corporations.

Subdivision 3. Any corporation organized under the laws of the State of Montana, or doing business therein, may be served with summons by delivering a copy of the same to the president, secretary, treasurer, or other officer of the corporation, or to the agent designated by such corporation as the person upon whom service shall be made as required by law, and if none of the persons above mentioned can be found in the county, then service may be made upon any clerk, superintendent, general agent, cashier, principal director, ticket agent, station keeper, managing agent or other agent, having the management, direction, or control of any property of such corporations. If none of the persons in this section described can be found in the county in which such action is commenced, then service may be made, as provided in this section, upon any of the persons herein described in any county of this State. And if none of the persons above named can be found in the State of Montana, and an affidavit stating that fact shall be filed in the office of the clerk of the court in which such action is pending, then the clerk of the court shall make an order authorizing the service of summons to be made upon the Secretary of State, who shall be and is hereby constituted an agent and attorney in fact to accept service on behalf of such corporation; and service upon said Secretary of State shall be deemed personal service upon said corporation.

When may be served in another county.

When the clerk of the court shall make an order to serve summons on Secretary of State.

Conflicting Acts repealed.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall take effect and be in full force from and after its passage and approval.

Approved Feby 18th, 1915.

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CHAPTER 23.

"An Act to Provide a Lien upon Growing Crops and Grains Threshed therefrom for the Purchase Price of Seed and Grain Furnished for the Production or Cultivation of such Crop."

Be it enacted by the Legislative Assembly of the State of Montana:

Seed lien upon crops and grains threshed therefrom.

Section 1. Any person who shall furnish to another seed to be sown or planted or to be used in the production or cultivation of a crop or crops on the lands owned or contracted to be purchased, used, occupied, or rented by him, or held under government entry, shall upon filing the statement provided for in the next section, have a lien not exceeding the purchase price of seven hundred bushels upon the crop produced from the seed or grain so furnished, or any part thereof, and upon the seed or grain threshed from such crop, to secure the payment of the purchase price thereof.

Statement to be filed in office of county recorder, at what time.

Section 2. Any person entitled to a lien under this Act shall, within thirty days after the seed or grain is furnished, file in the office of the County Clerk and Recorder of the county in which the seed or grain is to be sown or planted or used, a statement in writing, verified under oath, showing the kind and quantity of seed or grain, its value, the name of the person or persons to whom furnished, and a description of the land and of each tract of land upon which the same is to be, or has been planted or sown, or used in the production of a crop or crops. Unless the person entitled to the lien shall file such statement within the time aforesaid, he shall be deemed to have waived his right thereto.

What statement shall set forth.

Priority of lien.

Section 3. The lien given by this Act shall, as to the crops covered thereby have priority over all other liens and incumbrances thereon.

Conflicting Acts repealed.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act shall be in full force and effect from and after its passage and approval .

Approved Feby 19th, 1915.

CHAPTER 24.

"An Act establishing and defining definitely the boundary line between Richland and Wibaux Counties, Montana."

Be it enacted by the Legislative Assembly of the State of Montana:

Boundary between Richland and Wibaux counties defined.

Section 1. That the boundary line between Richland County and Wibaux County, State of Montana, is by this Act established, and shall be hereby known as follows:

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Beginning at a point on the right bank of the Yellowstone River where the south boundary line of Township Nineteen North, Range Fifty-seven East intersects said river; thence easterly on the township line to the Southwest Corner of Fractional Township Nineteen North, Range Sixty East; thence north on township line between Range Fifty-nine and Range Sixty East, to the corner of Sections Thirteen and Twenty-four, Township Nineteen North, Range Fifty-nine East and Sections Eighteen and Nineteen, Township Nineteen North, Range Sixty East; thence easterly on section line to the Montana-North Dakota boundary.

Conflicting Acts repealed.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved Feby 19th, 1915.

CHAPTER 25.

"An Act to secure for threshermen a lien upon grain and other crops threshed by them for their compensation, and to provide for the filing and foreclosing of said liens."

Be it enacted by the Legislative Assembly of the State of Montana:

Lien of thresherman.

Section 1. All threshermen owning or operating threshing machines shall have a lien upon the grain and other crops threshed by them for and on account of the services rendered and labor performed by them on said grain and crops.

Verified statement of account to be filed.

Section 2. Every person intending to avail himself of the benefits of this Act must file with the County Clerk of the county in which said grain or other crops were grown, and if grown in more than one county, then with the County Clerk of each county in which they were grown, within ten (10) days after the last services were rendered or labor performed in the threshing of said grain or other crops, a just and true account of the amount due him or them for such services or labor, after allowing all just credits and offsets, and containing a correct description of the grain or other crop to be charged with such lien, the price agreed upon for such threshing, the name of the person, firm or corporation for whom such labor and services were performed, and a description of the land as nearly as possible upon which such grain or other crops were raised and a description of the legal subdivision of land upon which said grain is

Within 10 days.

What account and statement must set forth.

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stored; and if said grain is stored in an elevator, the location of said elevator; which statement or account shall be verified by affidavit of the person claiming such lien or his duly authorized agent or attorney having knowledge of the facts; and any error or mistake in the account or description of the grain or other crops or of the property upon which it was raised shall not invalidate said lien. If the grain or other crops so threshed are being hauled from the machine direct to the elevator or to any other purchaser, then the threshermen desiring to claim such lien shall also serve written notice upon the elevator man or other private purchaser that he will claim or hold a lien upon said grain or other crops for his services or labor performed in threshing the same.

Effect of errors and mistakes in statement.

When thresher must serve notice upon elevator or purchaser.

Duty of county clerk and recorder.

Section 3. The County Clerk must endorse upon such lien the day of its filing, make an abstract thereof in a book kept by him for that purpose and properly indexed, containing the date of the filing, the name of the person claiming the lien, the amount thereof, the name of the person against whose property the lien is filed, and a description of the property to be charged with the same.

Lien to be prior to mortgages and other incumbrances excepting liens for seed grain.

Section 4. The lien for work or labor done or services rendered as specified in Section 1 of this Act shall be prior to and have precedence over any mortgage, incumbrance or other lien upon said grain or other crops, except the lien for the seed furnished for the purpose of growing this particular crop.

Time within which foreclosure proceedings must be commenced.

Section 5. All actions for the foreclosure and enforcement of the lien herein provided for must be commenced within sixty (60) days from the filing of the lien.

Rules and proceedings applicable.

Section 6. Except as otherwise provided, the provisions of Part II of the Revised Codes of 1907 are applicable to and constitute the rules of practice for the enforcement and foreclosure of the lien herein provided for.

Who may be made parties.

Section 7. All persons interested in the matter in controversy or the property to be charged with the lien, or having liens thereon, may be made parties to an action for the foreclosure thereof.

Who are deemed the owner of the grain.

Section 8. Every person, including guardians or minors, married women and any company, firm, association or corporation for whose use or benefit the grain or other crops mentioned herein are threshed or the services rendered or labor performed, is deemed the owner thereof for the purposes herein mentioned.

When satisfaction of lien shall be made of record.

Section 9. Whenever the indebtedness which is a lien upon any such grain or other crops is paid and satisfied, it is the duty of the lienor to acknowledge satisfaction thereof as in case of a mortgage, and to discharge the said

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lien of record; and if any lienor fails to acknowledge satisfaction and discharge said lien as aforesaid, he is liable to any person injured thereby in the amount of such injury and the costs of action.

Failure to acknowledge satisfaction.

Section 10. All Acts and parts of Acts in conflict herewith are hereby repealed.

Conflicting Acts repealed.

Section 11. This Act shall become effective and be in full force and effect from and after its passage and approval.

Approved Feby 20th, 1915.

CHAPTER 26.

"An Act to provide for the distribution among the several counties of Montana containing United States Forest Reserve Lands, all Forest Reserve moneys received from the general government for the benefit of such counties: To designate the fund in which the county treasurer in each county shall place said payments, and to fix the percentage of such payments in each fund; to correct errors of distribution of such funds heretofore or hereafter made."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The State Treasurer, for the purpose of carrying out the provisions of an Act of Congress of May 23d. 1908, 35 United States Statutes at Large, page 260, and all Acts subsequent thereto, shall divide and distribute all forest reserve moneys received by the State of Montana thereunder, to and among the several Counties entitled thereto, and pay the same to the several County Treasurers of such Counties within thirty days after receiving same, as directed by the State Auditor.

Duty of State Treasurer to distribute Forest Reserve money.

Section 2. The State Auditor shall apportion said Forest Reserve Funds between the several Counties as follows, to-wit:

State Auditor to apportion said funds.

All funds received from each Forest Reserve shall be apportioned between the counties in which such Forest Reserve is situated in proportion to the acreage of such Forest Reserve in each county, and the State Treasurer shall pay the several amounts so apportioned to the respective Counties.

Among what counties to be distributed and in what proportion.

Section 3. The Forest Reserve Funds so apportioned to each County shall be apportioned by the County Treasurer in each county between the several funds as follows:

County treasurer shall distribute or apportion funds.

To the general road fund, 66 2-3 per cent of the total amount received. To the common school fund 33 1-3 per cent of the total sum received.

Amount to the general road fund and the common school fund.

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State Auditor and Treasurer to correct errors by equalizing future payments.

Section 4. In the event of any error, or errors, heretofore or hereafter made in the apportionment or distribution of said Forest Reserve Funds, such error, or errors, shall be corrected by the State Auditor and State Treasurer equalizing future payments to the several Counties so that the total proportionate sum received by each County shall be as fixed in Section Two of this Act.

Conflicting Acts repealed.

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 6. This Act shall take effect and be in force from and after its passage.

Approved Feby 25th, 1915.

CHAPTER 27.

"An Act to Prohibit the Taking, Using, Driving, Operating or Removing any Automobile or Motor Vehicle without the consent of the owner and Fixing the Penalty for the Violation thereof."

Be it enacted by the Legislative Assembly of the State of Montana:

Taking and using an automobile or motor vehicle without owner's consent a misdemeanor.

Section 1. Any Chauffeur or other person, who without the consent of the owner shall take, use, operate or remove or cause to be taken, used, operated, or removed from a garage, stable or other building or place, or from any place or locality on a private or public highway, park, parkway, street, lot or field, enclosure or space, an automobile or motor vehicle and operate or drive or cause the same to be operated or driven for his own profit, use or purpose, is guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than Ten Dollars or more than Five Hundred Dollars, or imprisoned in the County Jail, not exceeding six months, or both.

Penalty.

Conflicting Acts repealed.

Section 2. All Acts or parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after April 1st, 1915.

Approved Feby 25th, 1915.

CHAPTER 28.

"An Act to create a department of farm loans, and provide for the issuance of farm loan bonds; to facilitate the investment of savings in such bonds; to designate the State Treasurer as Commissioner of Farm Loans, and to appropriate money for the use of said department."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is hereby created a department of

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farm loans, which department shall be in charge of the State Treasurer, who shall be ex-officio Commissioner of Farm Loans to serve without extra compensation. The Commissioner may employ with the approval of the Governor such deputy assistance as may be required to discharge the duties of the department, and the cost of such assistance and all other expense of the department shall not be paid out of state funds but shall be paid as hereinafter provided. All funds coming into the hands of the Commissioner shall be kept separate and apart from state funds; and the Commissioner shall have power to make all necessary rules and regulations to govern said department.

Department of farm loans. State Treasurer to be ex officio commissioner of farm loans.

Deputy assistance.

Funds to be kept apart from state funds.

Rules and regulations.

Section 2. The Department of Farm Loans shall have a seal bearing the words "Department of Farm Loans, State of Montana, Seal." Said seal shall be used upon all bonds and mortgages, and such other instruments and documents as the Commissioner may designate.

Seal of department.

Section 3. The County Treasurer in each county of the State is hereby designated as the local representative of the Department of Farm Loans in the respective counties, and said services shall be performed without extra compensation, under the direction of the Commissioner.

County treasurer to be local representative of the department.

No extra compensation.

Section 4. The department shall receive application for farm loans through the County Treasurer, or other agencies in each county, said applications to be made upon suitable blanks furnished by the department. The Commissioner shall require proof of value of lands offered as security, including an appraisal of three disinterested taxpayers or public officials, and shall take the necessary steps to verify the facts set forth in said applications. and only those applications shall be approved which show good title; and no application for a loan shall be approved for more than one-half of the value of the security, on a productive basis, as determined by the Commissioner. Loans shall be made only on acreage property outside of incorporated towns and cities, and preference shall be given to those applications in which the applicant resides upon the land offered as security, and uses the same for productive purposes. No application shall be approved unless the Commissioner is satisfied that the applicant will be able to meet the payments required to extinguish the loan with interest.

Applications for loans to be received through whom, and how.

Proof of values and verification thereof.

What applications to be approved.

Loans on acreage property only.

Preference.

Section 5. The Commissioner shall, on the demand of any applicant for a loan, furnish such applicant with complete information concerning all property offered as security for any series of bonds, and any five or more applicants for loans under such series of bonds may ex-

Information to be furnished applicants.

Examination by 5 or more applicants.

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amine the several pieces of property offered as security, such examination to be made either in person or by a committee; and if any three applicants shall file with the Commissioner an objection in writing to the sufficiency of any security offered, the property to which such objection is made shall not be accepted by the Commissioner as security for any greater sum than one-half of the value fixed by the persons making such objection.

When objections are to be filed, commissioner and security not accepted for more than one-half of value fixed.

Commissioner may issue bond, when.

Section 6. Whenever the Commissioner has approved applications for loans amounting to One Hundred Thousand Dollars in the aggregate, he shall proceed to issue negotiable bonds for a like amount, which bonds shall be secured by first mortgage upon the several pieces of property described in the approved applications; but if any applicant fail to execute the mortgage as required, or fail in any other respect, the Commissioner may award the loan to other applicants. Each issue of bonds shall as far as practicable be secured upon lands in contiguous or adjoining territory.

Security for bonds.

Each issue to be secured, how.

Commissioner to be mortgagee in trust.

Each piece of property to be mortgaged to secure entire bond issue, etc.

Safeguards for the preservation of the property.

The Commissioner of Farm Loans shall be named as the mortgagee in trust in the instruments securing said bonds; and to secure the advantages of combined credit, each piece of property shall be pledged to secure all of the bonds in the particular issue, with a provision that in case of default by any one of the mortgagors, the property pledged by such mortgagor shall be sold for the benefit o fthe mortgagee, and if the sum realized is less than the amount for which the property shall have been pledged, with interest, each piece of the remaining property shall be liable for its proportionate share of such deficit. The Commissioner shall insert in each mortgage all proper safeguards for the preservation of the property pledged as security, and such matter contained in any mortgage shall not affect the negotiable character of the bonds secured by such mortgage.

When commissioner may issue series of bonds on petition of owners in district.

Bonds to be one-half of total value of lands.

Interest rate.

Payment for administrative purposes.

Section 7. Whenever the owners of land in any district present a petition to the Commissioner, signed by such owners requesting that a series of bonds amounting in the aggregate to less than One Hundred Thousand Dollars ($100,000.00) be issued, and the lands offered as security meet the requirements of this Act, the Commissioner may issue said series of bonds in any amount not exceeding in the aggregate one-half the total value of the land (as determined by the Commissioner) offered as security, and such bonds may bear any rate of interest agreed upon by all of the owners whose lands are to be subject to such bond issue. Payments on any such issue of bonds for administrative purposes shall be the same

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per thousand as the payments for administrative purposes on all other issues. The Commissioner may require the owners of the lands offered as security for any issue of bonds as provided in this section to meet the preliminary expense of such issue, such advance payment of expense to be returned to such owners from the administrative fund as soon as the bonds have been sold. The payments upon the principal and interest of any such issue shall be made upon the amortization plan, as provided in this Act.

Preliminary expenses.

To be returned, when.

Payments to be on amortization plan.

Section 8. Each issue of bonds shall be given a serial number, and said bonds shall be issued in denominations of Five Hundred Dollars each; but each bond may be divided into fractional units of fifty dollars or multiples thereof, with proper interest coupons attached. Said bonds, except as provided in the next preceding section, shall bear interest at the rate of five per cent per annum payable semi-annually and the bonds of each series shall be so arranged that one or more of them shall fall due at each interest paying date; the number of bonds falling due on each interest paying date being determined by the amount available for paying the same on each date, according to the amortization plan of fixed payments being made on such series of bonds. The Commissioner may require the County Treasurer in each county to collect all payments due from borrowers in such county, and such collections shall be made in the same manner that county taxes are collected, and in case of default the same penalties shall be collected as are collected in case of default in the payment of taxes.

Denomination and serial numbers of bonds.

Fractional units of bonds and coupons.

Rate of interest bonds to bear.

Bonds falling due at interest period, how determined.

County treasurer may be required to collect payments due.

To be collected in manner of county taxes.

Penalties.

Section 9. Each bond certificate, or fractional issue thereof, shall have printed upon its face the following words: "First Mortgage Farm Loan Savings Bond," and each certificate shall have printed upon it a statement to the effect that the principal and interest will be paid at maturity by the Commissioner of Farm Loans of the State of Montana, out of funds provided under this Act for said purpose. Each bond certificate shall have proper interest coupons attached and may also have printed upon its face any other matter deemed essential by the Commissioner of Farm Loans.

Matter to be printed upon face of certificates and fractions thereof.

Coupons.

Section 10. The mortgage on each piece of property accepted as security for any issue of bonds shall be recorded in the county wherein the property is situated, and such mortgage shall be recorded free of charge by the County Clerk and Recorder of each county.

Recording of mortgages without fees.

Section 11. Mortgages given to the Commissioner of Farm Loans shall not be assessed for purposes of taxa-

Such mortgages shall be exempt from taxes.

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tion, but nothing in this Act shall be construed as exempting from taxation the bonds issued under this Act and owned by individuals or corporations within the State of Montana.

Bond issues subject to taxes.

Mortgage to provide for 4 per cent interest, payable semi-annually.

Section 12. Each mortgage given to secure an issue of bonds, except as provided in Section Six, shall provide for semi-annual payments of four per cent of the total amount of the mortgage, and the funds derived from such payments shall be applied as follows: One-eighth of the amount paid shall be put in a fund to pay administrative costs, including salaries, advertising, and all other expenses. The balance of the semi-annual payments shall be used to pay the principal and interest on said bonds, and the bonds shall be arranged to fall due so as to absorb as nearly as possible the balance on hand at each interest paying date.

Division of interest funds.

Administrative fund may be reduced but interest fund not.

Section 13. The Commissioner may in his discretion, reduce the payments to the administrative fund, but the payments amounting to seven per cent per annum for the payment of principal and interest of any series of bonds, shall never be reduced or diminished until all of said series of bonds have been paid.

Advertising for subscriptions to bonds.

Section 14. When the Commissioner is ready to receive subscriptions for bonds, he shall publish a notice in each county of the State, and in cities of other states, giving the essential facts and designating the persons who will receive subscriptions; and when subscriptions amounting in the aggregate to One Hundred Thousand Dollars or more have been received and approved, the Commissioner shall issue the bonds and shall pay the proper amounts to the respective persons furnishing the security for said bonds. When the money is to be used to pay a prior mortgage, it shall be paid to the mortgagee upon the release of the prior mortgage.

Bonds may be issued, when.

Distribution of proceeds of sale of bonds.

Subscriptions upon payment of 10 per cent.

Section 15. The Commissioner may, in his discretion, accept subscriptions for bonds upon a payment of ten per cent of the amount of each subscription, the balance to be paid when bonds are delivered; and if the subscriber fail to accept the bonds and pay for the same, the payment of ten per cent shall be forfeited and shall go to the administrative fund.

Advance payment forfeited, when.

Cancellation of paid bonds and coupons.

Section 16. All bond certificates and interest coupons that have been paid shall be canceled and filed by the Commissioner in his office; and when all of any series of bonds have been paid, the Commissioner shall file a satisfaction of each mortgage given to secure such bonds.

Satisfaction of mortgage.

Record to be kept by Commissioner.

Section 17. The Commissioner of Farm Loans shall keep a complete record in his office, which shall show

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at all times the status of each bond issue, and shall show any balance that may be on hand to the credit of each issue.

Investment of moneys belonging to bond issue.

Section 18. The Commissioner may invest the funds on hand belonging to any issue of bonds, in bonds of another issue, selecting for such investment bonds that fall due prior to the date or dates on which the money invested will be required to meet maturing bonds.

State Examiner to examine books of Commissioner, when.

Section 19. The State Examiner shall audit the accounts and books of the Commissioner of Farm Loans semi-annually, and shall file his report on such audit with the State Board of Examiners.

How funds shall be deposited, and interest received.

Section 20. Funds in the hands of the Commissioner shall be deposited in the same manner as state funds, and all interest received on balances shall be placed to the credit of the fund to pay administrative costs; and all premiums, forfeitures, and other special payments received shall be placed in said Administrative fund.

Premiums and forfeitures.

Lost or destroyed bond certificates.

Section 21. When bond certificates are lost or destroyed, duplicates of the same may be issued under safeguards fixed by the Commissioner.

When semi-annual payments shall fall due.

Section 22. The semi-annual payments required of mortgagors shall fall due one month prior to the interest paying dates on the respective issues of bonds, and if any mortgagor shall fail to meet any payment, the Commissioner shall make good such payment on the interest paying date and shall proceed to reimburse the guarantee fund from which such deficiency is supplied, as hereinafter provided.

Defalcation in payments.

Guarantee fund, may be used how.

Section 23. The Commissioner shall maintain a guarantee fund as hereinafter provided, from which any payments in default shall be supplied, and such fund may be used for other temporary uses with the approval of the State Examiner.

Defaulted payments to be collected within 6 months.

Purchaser of interest to be substituted for original mortgagor.

Foreclosure sale.

Section 24. Whenever the Commissioner has made any default payment from the guarantee fund, he shall proceed within six months to collect the same from the mortgagor in default, and in selling the interest of such mortgagor the purchaser of such interest may be substituted for the original mortgagor in all subsequent payments. Any such foreclosure sale shall be made in the regular manner, subject to the right of redemption by the mortgagor, and any surplus realized above the payments and costs shall go to the original mortgagor.

Default payments to be returned to guarantee fund, when.

Section 25. As soon as any defaulted payments have been collected the same shall be returned to the guarantee fund, and if there is any net loss the same shall be paid

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Pro rating net losses, and increasing payments.

pro rata by the other mortgagors in the particular series of bonds in which the default shall have occurred. The Commissioner shall increase the regular payments due from such mortgagors to meet such loss, and any such increase in payments shall become a lien under the original mortgage.

Where bonds to be payable.

Section 26. All bonds issued under the provisions of this Act shall be made payable at the office of the Commissioner of Farm Loans; but the State of Montana shall not be liable for the payment of either principal or interest of any of said bonds.

State not liable.

County treasurer to accept savings deposited for purchase of bonds.

Section 27. To facilitate the investment of savings in the bonds issued under this Act, the County Treasurer in each county shall, under the direction of the Commissioner of Farm Loans, accept deposits for the purchase of such bonds in fractional denominations of fifty dollars or multiples thereof. The County Treasurer shall issue receipts provided by the Commissioner of Farm Loans for such deposits, and the bonds shall be delivered in the order in which such receipts are issued.

Receipts for deposits.

County treasurer authorized to pay any bond certificate or coupon out of what fund.

Section 28. The County Treasurer of each county in the State is hereby authorized to pay out of any county funds available any bond certificate or coupon issued under this Act when due, and transmit the same to the office of the Commissioner for payment, and such certificate or coupon shall be counted as a cash asset while in the hands of such County Treasurer.

May issue receipts in payment of bonds or coupons.

Section 29. In paying bonds or interest coupons under this Act, the County Treasurer may issue, in lieu of cash, receipts for the delivery of bonds of other issues, and the same shall be delivered in the order in which such receipts are issued.

Bonds may be purchased at par and delivered to person holding receipts for bond purchasing money.

Section 30. Whenever there are outstanding receipts for bond certificates to be delivered, the Commissioner or any County Treasurer may accept at par any bond certificate from any holder wishing to sell the same, and such bond certificate shall be delivered to one of the parties holding a receipt for money deposited for the purchase of such certificates. In the purchase of such certificates, however, no allowance shall be made for any interest coupon not yet fully matured.

No interest to be allowed on such purchases.

When a mortgagor may pay his interest in full.

Section 31. Whenever any mortgagor wishes to pay off his loan in full, he shall be permitted to do so if the Commissioner has applications on file for approved loans of equal amount, and the property of the applicant shall be substituted as security for the payment of bonds, and the mortgage against the property of the original mortgagor shall be discharged. The amount to be paid by

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such mortgagor shall be his proportionate share of the principal of the bonds outstanding, plus a small premium to be fixed by the Commissioner. Such premium shall be placed in the administrative fund and the principal shall be paid to the party furnishing the new security.

Amount to be paid by such mortgagor.

Section 32. The Attorney General of the State shall act as legal adviser to the Commissioner of Farm Loans, and the County Attorney in each county of the State shall take any legal steps required by the Commissioner without extra compensation.

Duties of Attorney General and county attorneys.

Section 33. There is hereby appropriated out of any moneys in the State treasury, not otherwise appropriated, the sum of Twenty-five Thousand Dollars to be used as Follows: Five Thousand Dollars shall be placed in the administrative fund of the department of farm loans and Twenty Thousand Dollars shall be placed in the guarantee fund of said department. No expenditures shall be made except for the payment of salaries and the redemption of bonds until the same have been approved by the State Board of Examiners.

Appropriation.

To be used how.

Expenditures must be approved by State Board of Examiners before payment.

Section 34. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 35. This Act shall be in force from and after its approval by the Governor.

Approved February 25, 1915.

CHAPTER 29.

"An Act to provide for the transfer and classification of the capital stock, election of directors and the filling of vacancies on the board of directors of the Water Users' Association, organized under the Laws of the United States, the Laws of the State of Montana and the Reclamation Act of June 17th, 1902."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That shares of stock of Water Users' Association, organized in conformity with the requirements of the laws of the United States and the State of Montana and under the Reclamation Act of June 17th, 1902, and which shares of stock, by the Articles of Incorporation of said Association, are inseparably appurtenant to the lands for which they are subscribed, shall, upon the presentation of proof to such Association of the transfer of any of said land, be transferred on the books of said Association, by the proper officers of the Association, to the grantee or successor in title to said land.

Transfer of stock in Water Users' Association, how made.

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Number of shares per acre of assessable stock fixed.

Section 2. The assessable stock of any such Water Users' Association, heretofore mentioned, may at the time of any assessment made, after the major portion of such irrigation project is completed and the irrigable area thereunder determined, be one share for each irrigable acre and appropriate by-laws of the Association may provide for the discharge of assessments levied on stock appurtenant to lands then determined to be non-irrigable.

By-laws to provide, what.

Water Users' Association shall divide area irrigated into districts.

Each district to elect own director.

Directors to be elected at first election by each district.

Term of office.

Succeeding elections.

Section 3. That such Water Users' Association shall be permitted to divide the area under such irrigation project into as many districts as there are directors provided for in its Articles of Incorporation and each district shall elect one director for a term not to exceed five years. Provided, however, that at the first election held to elect directors under the provisions of this Act, each district shall elect one director who shall hold office for such a term of years as the by-laws shall provide and thereafter, a director shall be elected in the district and at the annual election held just prior to the expiration of the term of office of the director of that district.

Vacancies, how filled.

Section 4. In case of a vacancy on the board of directors from any cause, the board shall fill such vacancy by appointment to hold to the end of that fiscal year and a director shall be elected at the annual election in the district where such vacancy occurs to fill the unexpired term of such vacancy.

Conflicting Acts repealed.

Section 5. All Acts or parts of Acts in conflict herewith are hereby repealed.

Section 6. This Act shall be in full force from and after May 1st, 1915.

Approved February 25, 1915.

CHAPTER 30.

"An Act to provide for the support of the Government of the State of Montana for the years of 1915 and 1916."

Be it enacted by the Legislative Assembly of the State of Montana:

State levy of taxes for year of 1915.

Section 1. There is hereby levied for State purposes upon all the property in the State liable to taxation for the year 1915, an ad valorem tax of two and one-half (2½) mills on each dollar of the valuation of such property.

State levy of taxes for year of 1916.

Section 2. There is hereby levied for State purposes upon all the property in the State liable to taxation for the year 1916, an ad valorem tax of two and one-half (2½) mills on each dollar of the valuation of such property.

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Section 3. There is hereby levied upon all the property in the State liable to taxation for the year 1915 an ad valorem tax of one-fourth (¼) mill on each dollar of the valuation of all such property for the purpose of paying the interest on and to constitute a sinking fund for the redemption of the bonds issued by the State of Montana pursuant to the provisions of Chapter 144, Laws of 1911. State sinking fund levy for the year of 1915.

Section 4. There is hereby levied upon all property in the State liable to taxation for the year of 1916 an ad valorem tax of one-fourth (¼) mill on each dollar of the valuation of all such property for the purpose of paying the interest on and to constitute a sinking fund for the redemption of the bonds issued by the State of Montana pursuant to the provisions of Chapter 144, Laws of 1911. State sinking fund levy for the year 1916.

Section 5. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed. Conflicting Acts repealed.

Section 6. This Act shall be in full force and effect from and after its passage and approval.

Approved February 25, 1915.

CHAPTER 31.

"An Act providing for and relating to the assessment for the purposes of taxation, of the real estate owned by National and State banks, and banking corporations, and the assessment for taxation purposes and the payment of taxes on shares of stock in National and State banks and banking corporations and repealing Sections 2503, 2504, and 2505, Revised Codes of Montana, 1907, and all Acts and parts of Acts in conflict herewith."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. All shares of stock in State and National banks and banking corporations, whether of issue or note, existing by authority of the United States or of this State, and located within this State, and doing business within the State shall be assessed to the owners thereof, in the cities, towns, or places where such banks and banking corporations herein named, are located and not elsewhere, in the assessment of all State, county, school districts, and municipal taxes, imposed and levied in such place, whether the owner is a resident of such city, town, or place or not; all such shares must be listed and assessed with regard to their value at twelve o'clock noon, on the first Monday of March of each year, to be ascertained by adding the surplus and undivided profits to the face value of such shares, provided, that if any portion of the capital stock of any bank or banking corporation herein named, Shares of stock in State and National banks to be assessed to the owner thereof. Where assessed. Shares to be listed and assessed in regard to value on the first Monday of March of each year.

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The value of real estate held by banks as capital shall be deducted from total assessed value of the stock.

Such real estate to be assessed, how.

Who shall be deemed to be owner of the stock.

Rate of assessment.

shall be invested in real estate and such bank or banking corporation shall hold title thereto, the assessed valuation of such real estate shall be deducted from the total value of the shares of stock of such bank or banking corporation and such real estate shall be deducted from the total value of the shares of stock of such bank or banking corporation and such real estate shall be assessed to the bank or banking corporation holding the same, as other real estate. The persons or corporations who appear upon the records of the bank or banking corporation herein named, to be the owners of shares at the close of the business day next preceding the first Monday in March in each year, shall be taken and deemed to be the owners thereof for the purpose of this section. Such shares of stock shall not be assessed at any higher rate than other property and shall be subject to all deductions allowed or given in the assessement of other property.

The bank shall pay the assessment upon the shares of stock.

Section 2. Such bank or banking corporation shall pay to the collector or other person authorized to collect the taxes of the State, county, city, town or place, in which the same is located at the time of each year when other taxes assessed in said State, county, city, town or place, become due, the amount of the tax so assessed in each year upon the shares in such bank or banking corporation herein referred to. The said bank or banking corporation herein referred to shall be liable for the payment of the said tax. If such is not paid on or before the 30th day of November of each year at six o'clock p. m., the said tax shall become delinquent and shall be collected in the same manner and be subject to the same laws as all other delinquent taxes.

Bank is liable for such assessment.

Tax to become delinquent, when, and collected, how.

Assessment against shares to be entered upon personal property assessment lists.

For convenience the assessment of shares of stock in banks and banking corporations herein referred to, shall be entered on the personal property assessment list under the name of the bank and in such statement the names of the holders of bank stock shall be set forth and the shares owned by each and such assessment when so entered, shall have all the force and effect as if made in the name and against the holder of bank stock individually.

Duty of bank officer to furnish assessor, 5 days after demand, a list of shareholders and their addresses.

Section 3. The cashier of every such bank and the secretary or other officer corresponding to a cashier of any banking corporation herein referred to, shall make and deliver to the assessor of the county in which the said bank or banking corporation herein referred to is located, within five days after demand therefor, a statement verified by the oath of such cashier or secretary or other corresponding officer, showing the name of each shareholder, with his residence and the number of shares

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belonging to him at the close of business, the day next preceding the first Monday in March in each year, as the same then appeared on the books of the bank or banking corporation; and shall furnish a further verified statement showing the face value of the capital stock and the amount of surplus and undivided profits of the bank or banking corporation and an estimate of the value for which such stock shall be assessed. If the cashier, secretary or corresponding officer fails to make the former statement, the assessor shall forthwith upon such failure, obtain from the officers of the bank or banking corporation, such list of shareholders with the residence and number of shares belonging to each and for which purpose he shall have access to the books of the bank or banking corporation and if the cashier or secretary or other corresponding officer fails to furnish the latter statement, the assessor shall make an assessment of such stock which shall be as fair and equitable as he may be able to make from the best information available or he may adopt the figures disclosed by any prior report of the bank or banking corporation of its officers or directors to the comptroller of the currency or the state examiner or the secretary of state, as the case may be. Any cashier, secretary or corresponding officer, failing to make such statements or either of them, shall be guilty of a misdemeanor and punished accordingly, provided that nothing herein shall be construed as authorizing or permitting the county assessor to place a higher valuation upon the shares of banks or banking corporations than that placed upon the same class or other classes of property.

Additional verified statement to be furnished assessor.

In case the cashier or other officer fails to furnish lists and statement, duty of assessor.

Misdemeanor for cashier or other officer to fail to make required statements.

Proviso.

Section 4. That Sections 2503, 2504 and 2505, Revised Codes of Montana, 1907, and all Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 5. This Act shall take effect and be in force from and after its passage and approval.

Approved February 26, 1915.

CHAPTER 32.

"An Act to amend Sections 2905, 2907 and 2908 of the Revised Codes of Montana, of 1907, relating to the issuance of bonds by counties."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2905 of the Revised Codes of Montana, of 1907, be and the same is hereby amended to read as follows:

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County commissioners authorized to issue funding and other specified bonds.

Public buildings, public highways and bridges.

Ordinary expenses of county.

Liquidating indebtedness with other counties.

Limit to bonded indebtedness.

Must be redeemable within 20 years.

Interest not to exceed 6 per cent.

Interest coupons.

"Section 2905. The board of county commissioners of any county is hereby vested with the power and authority to issue and negotiate on the credit of the county, coupon bonds to an amount sufficient to enable the county to redeem all legal outstanding bonds, warrants or orders; or for the purchase of necessary public building sites, and for the construction of necessary public buildings, public highways and bridges, and for the ordinary and necessary expenses of the county authorized by the general laws of this State, and also for the purpose of enabling any county to liquidate its indebtedness to another county incident to the creation of a new county, or the change of any county boundary lines, not exceeding in the aggregate, including outstanding bonded indebtedness, five (5%) of the value of the taxable property within such county to be ascertained by the last assessment for State and county taxes previous to issuing such bonds. Such bonds are redeemable and payable at such time not longer than twenty (20) years after the date thereof, as the board determines, and the interest which such bonds bear must be fixed by the board not exceeding six (6%) per cent per annum, and be represented by interest coupons payable semi-annually on the first days of January and July of each year.

Section 2. That Section 2907 of the Revised Codes of Montana, of 1907, be and the same is hereby amended to read as follows:

Shall advertise bonds for sale, how and when.

Sealed proposals.

Highest bidder entitled to purchase.

No bond to be sold for less than par.

May exchange for outstanding bonds, etc., without notice.

"Section 2907. When the board issues any bonds authorized by this article it is its duty to sell the same and give notice by advertisement in some newspaper published in the county, or if there be no newspaper published in the county then in any newspaper published in an adjoining county for a period of not less than thirty (30) days prior to the time said bonds are to be sold; such advertisement must be for sealed proposals, which must state the amount of such bonds offered for sale and the person offering the highest price therefor in conformity with the requirements of the notice of sale is entitled to receive the amount of such bonds which he offers to buy; but no bonds must be sold for any price less than the par value thereof; provided however, that the board may effect an exchange of such county bonds to take up its legal outstanding indebtedness or issue same to meet its obligation to another county incident to the creation of a new county, change of county boundary, or on county division, without publishing the notice herein provided for.

Section 3. That Section 2908 of the Revised Codes of

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Montana, of 1907, be and the same is hereby amended to read as follows:

"Section 2908. The proceeds derived from the sale of bonds authorized to be issued by this article must be paid into the county treasury and must be applied to the payment of the legal bonds, warrants or orders of the county which may be outstanding or unpaid in the order in which said bonds, warrants or orders become due, or applied in liquidation of its indebtedness incident to the creation of a new county, county division, or change of county boundary lines. But the board may at any lawful meeting provide by resolution for the exchange of any bonds issued under the provisions of this article to take up any outstanding county bonds then due and subject to payment and in order to redeem and pay any legal county warrants or orders of the county issued prior to a day to be fixed by the board and entered of record in the minutes of its proceedings. In the making of such exchange by the issuance and delivery of bonds to take up any such legal outstanding indebtedness of the county the board is vested with judgment and discretion to issue such bonds in such manner as may appear to the advantage and benefit of the county and is hereby authorized to issue and deliver same in such manner and upon such terms as are deemed for the best interest and advantage of the county. The exchange when made must be made dollar for dollar with accrued interest thereon. And the board may advertise the privilege to so exchange bonds then due and warrants and orders of the county issued prior to the day so fixed in some newspaper printed and published in the county or if there be no newspaper published in the county then in a newspaper published in an adjoining county for such period as the board may designate, in the event that the board shall determine it to be to the best interest and advantage of the county to delay proceedings respecting the proposed liquidation of outstanding indebtedness until such publication has been made. The Board is also authorized upon the same conditions and restrictions herein prescribed to issue such bonds against the county in order to liquidate any indebtedness which may be occasioned because of the creation of a new county, county division or change of county boundary lines.

Disposition of proceeds of sale of bonds.

Resolution providing for sale of bonds for outstanding bonds, warrants, etc.

Board to exercise discretion in issuing bonds, etc.

Basis of exchange.

May advertise for exchange, when and how.

Bond issue authorized to liquidate indebtedness caused by creation of new county.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repeal of conflicting Acts.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved February 26, 1915.

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CHAPTER 33.

"An Act to amend Section 6312, Revised Codes of Montana of 1907 relative to the holding of court in counties where a session of court is not or cannot be held by a judge thereof or in any county where the business of the court is not or cannot be dispatched with reasonable promptness and providing that the Governor may upon application, of any interested person, require some district judge to hold court in said county, and providing for another department in said court if necessary, for such time as may be specified in the order."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6312, Revised Codes of 1907, be and the same is hereby amended to read as follows:

Governor may require a district judge to hold court in another county, when.

"Section 6312. If for any cause a district court is not or cannot be held in any county by the judge or judges thereof, or by a district judge requested by such judge or judges to hold such court, or if the business of the court in any county is not or cannot be dispatched with reasonable promptness, the Governor, may upon application of any interested person, by an order in writing, require some district judge to hold court in said county for such time as may be specified in the order.

Conflicting Acts repealed.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall take effect and be in force from and after its passage and approval.

Approved February 26, 1915.

CHAPTER 34.

"An Act to define estray and to provide for the disposition of estrays."

Be it enacted by the Legislative Assembly of the State of Montana:

Estrays, Board of Stock Commissioners authorized to take possession of.

Section 1. That the State Board of Stock Commissioners, by and through its legally appointed stock inspectors, be and it is hereby authorized to take possession of any and all estrays found running at large within the State of Montana and to dispose of the same, subject to the following restrictions.

Duty of stock inspector concerning estrays.

Section 2. Any stock inspector appointed by the State Board of Stock Commissioners shall take into his possession all estrays found within his district, and shall hold such estrays so collected by him in his possession, and care for the same in the cheapest and most practicable

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manner for a period of not less than thirty (30) days, nor more than sixty (60) days, during which time he shall advertise the facts that he holds such estray or estrays, and that unless claimed by the owner thereof he will on a date to be specified in said notice sell such estray, or estrays, at public auction to the highest bidder for cash, which said notice shall be published in the newspaper doing the county printing of the county wherein such estray or estrays are found, and in addition thereto in a paper published in the town or city nearest the place at which such estray is held, which said notice shall be published at least once a week for four (4) consecutive weeks, and shall contain a statement of the date of the sale, the place where such sale is to be held, and a general description of such estray, including the sex of the same and the approximate age, together with an illustration of the brand and the position of such brand upon such estray, together with a description of the place or locality where such estray was found or taken up; and the owner of such estray may appear and claim the same at any time prior to the sale or shipment, as hereinafter provided, and without cost or expense to said owner.

Advertising and selling estrays.

Notice to contain, what.

Section 3. On the date specified in the notice provided in Section two (2) of this Act, such stock inspector shall cause said estray or estrays to be sold at public auction to the highest bidder for cash; and before removal from said sale the said stock inspector shall cause the said estray or estrays to be branded with the recorded estray brand of the State Board of Stock Commissioners.

Estrays to be sold, when and where.

Branding estrays sold.

Section 4. All expenses attending the collecting, holding, advertising, and selling of such estray or estrays shall be paid out of the gross proceeds of the sale of such estray or estrays, and the balance of the proceeds of such sale shall be forwarded to the Secretary of the State Board of Stock Commissioners to be by him advertised as estray funds in the manner now provided by law, and such proceeds shall be subject to claim by the owner of the animal for a period of two (2) years from the date of such sale; provided, that in the event the owner of such estray claims said animal prior to the sale thereof, the expense theretofore incurred by the stock inspector shall be paid by the State Board of Stock Commissioners as an expense of said Commission.

Expenses paid out of what funds.

Disposition of balance of proceeds of sale.

Expenses paid how when animal is claimed before sale.

Section 5. An estray within the meaning of this Act shall be any horse, mule, mare, gelding, colt over one year old, cow, ox, bull, stag, steer, heifer or calf over one year old. not bearing a brand and the ownership of which cannot be determined by the stock inspector of the district

"Estray" defined.

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wherein such animal may be found, by inquiry among reputable resident stock owners or freeholders therein; or any of such animals bearing a recorded brand but the owner of which brand cannot be located at or through the postoffice designated upon the records of the Recorder of Marks and Brands, or which owner cannot be located by the stock inspector of the district where such estray is found by inquiry among reputable resident stock owners or freeholders therein; or any of the animals above enumerated which bears an unrecorded brand, the owner of which unrecorded brand cannot be ascertained by the stock inspector of the district wherein said animal is found, by inquiry among reputable resident stock owners or freeholders therein.

Repealing clause.

Section 6. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 7. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved February 25, 1915.

CHAPTER 35.

"An Act amending Section 6389 of the Revised Codes of 1907, relating to the authority of attorneys and counselors."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6389 of the Revised Codes of Montana of 1907 be, and the same is hereby amended to read as follows:

Section 6389. An attorney and counselor has authority:

Authority of an attorney and counselor.

1. To bind his client in any steps of an action or proceeding by his agreement filed with the clerk, or entered upon the minutes of the court, and not otherwise.

To receive money paid or collected pursuant to an action.

2. To receive money claimed by his client in an action or proceeding during the pendency thereof, or after judgment unless a revocation of his authority is filed; and upon the payment thereof, and not otherwise, to discharge the claim or acknowledge satisfaction of the judgment.

Authority to continue until what time.

3. The death of a party to an action or proceeding does not revoke the authority of his attorney of record in said action or proceeding, but the authority of the attorney is continued in all respects the same and with like effect as it was prior to the death of such party, until such attorney shall withdraw his appearance in said action or proceeding, or some other attorney shall be substituted for him, or his authority shall be otherwise ter-

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minated and entry thereof made to appear in the record of such action or proceeding.

Section 2. All Acts and parts of Acts in conflict with this Act are hereby repealed. Conflicting Acts repealed.

Section 3. This Act shall take effect and be in force from and after its passage and approval.

Approved February 26, 1915.

CHAPTER 36.

"An Act to define criminal trespass in certain cases and provide the punishment and civil liability therefor."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Any person tearing down, breaking, or injuring any fence or other inclosure, for the purpose of entering upon the land or premises of another without the consent of the owner or occupant; any person who shall build a fire upon the land or premises of another within any inclosure, or who shall sever from such land or premises any tree, grass, or other product thereof, or shall take therefrom anything attached or appurtenant thereto, without the consent of the owner or occupant; and any person who shall hunt upon any inclosed land or premises where there is posted in a conspicuous place a sign or warning reading, "No hunting allowed on these premises," or a sign or warning reading, "No trespassing allowed on these premises," without the consent of the owner, shall be guilty of a misdemeanor and shall be punishable by a fine of not less than ten dollars, nor more than five hundred dollars, or imprisonment not exceeding six months in the county jail, or by both such fine and imprisonment; and shall also be liable to the person injured for all damages occasioned thereby. Certain trespassing on land denominated a misdemeanor. Civilly liable.

Section 2. This Act shall be in full force and effect upon its passage and approval.

Approved February 26, 1915.

CHAPTER 37.

"An Act providing the fees to be paid by a foreign corporation for filing a certified copy of its Charter or Articles of Incorporation in the office of the Secretary of State of the State of Montana."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That every foreign corporation required by law to file in the office of the Secretary of State a cer- Foreign corporations shall pay filing fees as follows:

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tified copy of its charter or articles of incorporation shall pay to the Secretary of State for the filing thereof as follows:

Upon the proportion of its capital stock represented by property and business in Montana.

Upon the proportion of its capital stock then or thereafter to be represented by its property and business in Montana at the rate of fifty (50) cents per thousand dollars for the first One Hundred Thousand Dollars; at the rate of forty (40) cents per thousand dollars for any additional from One Hundred Thousand Dollars to Two Hundred Fifty Thousand Dollars; at the rate of thirty (30) cents per thousand dollars for any additional from Two Hundred Fifty Thousand Dollars to Five Hundred Thousand Dollars; at the rate of twenty (20) cents per thousand dollars for any additional from Five Hundred Thousand to One Million Dollars, and at the rate of ten (10) cents per thousand dollars for any additional over One Million Dollars, provided, however, that no fee for filing shall be less than $20.00.

Minimum fee.

Annual reports to be filed by foreign corporations.

Section 2. Every foreign corporation which shall hereafter file in the office of the Secretary of State a certified copy of its charter or articles of incorporation shall annually and between the first days of January and March of each year file in said office a report verified by the oath of its president, vice-president or secretary, stating the proportion of its capital stock represented in the State of Montana by its property located and business transacted therein during the preceding year.

Method of determining the proportion of its capital stock employed in this State.

Section 3. In determining the proportion of capital stock employed in this State the same shall be computed by taking the gross business in dollars of the corporation in the State for the preceding year and adding the same to the full value in dollars of the property of the corporation located in the State and by taking the total gross business in dollars of the corporation, both within and without the State for the preceding year, and adding thereto the full value in dollars of the entire property of the corporation both within and without the State and by then dividing the total value in dollars of the business and property in the State by the total value in dollars of all the business and property of the corporation, the quotient thus obtained to be taken as the percentage of the capital stock represented by the business and property within the State. The Secretary of State may demand as a condition to the filing of such report a statement verified by the president, vice-president or secretary of such foreign corporation, showing in detail the information required for the making of the calculation aforesaid, which statement when so demanded shall be attached to and filed with such report.

Verfied statement which Secretary of State may demand.

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Fees shall be paid shown by such report to be due.

Section 4. Whenever such report shall show a greater proportion of the capital stock of such foreign corporation represented by its property and business in Montana than that upon which the fee for filing was based, such foreign corporation, at the time of filing such report, shall pay such additional fee as it would have been required to pay for filing if such fee had been calculated on the basis of the proportion of the capital stock represented by its business and property in Montana as shown by such report.

Penalty for failing to comply with Act.

Section 5. If any foreign corporation shall fail to file such annual report, or to pay such additional fee or shall file a false report, it shall forfeit its right to do business in this State.

Repealing clause.

Section 6. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 7. This Act shall be in full force and effect upon its passage and approval.

Approved February 27th, 1915.

CHAPTER 38.

"An Act to authorize and direct the Montana State Board of Land Commissioners to purchase certain Lands for the benefit and use of the Agricultural Experiment Station connected with and a department of the Montana Agricultural College at Bozeman, Montana."

Be it enacted by the Legislative Assembly of the State of Montana:

Agricultural College; lands to be purchased for by State Board of Land Commissioners.

Section 1. That the Montana State Board of Land Commissioners are hereby authorized and directed to purchase for the benefit and use of the Agricultural College, at Bozeman, Montana, the following lands situated in Gallatin County, Montana, to-wit: Blocks numbered Six (6), Seven (7), Ten (10), Eleven (11), and Twelve (12) in Capitol Hill Addition to the City of Bozeman, Montana.

Limit of amount to be paid for the land and funds to be used.

Section 2. That the said Montana State Board of Land Commissioners are empowered and directed to use for the payment of the purchase price of the lands described in Section 1 of this Bill, not to exceed the sum of Six Thousand and Seven Hundred Dollars ($6,700.00), out of the proceeds from the sale of lands granted to the State of Montana for the use and support of an Agricultural College in accordance with Section Five (5) of the Act of Congress entitled "An Act donating public

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lands to the several states and territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, and by Section Sixteen (16) of an Act of Congress approved February 22, 1889, entitled, "An Act to provide for the division of Dakota into two states and to enable the people of North Dakota, South Dakota, Montana and Washington to form constitutions and to be admitted into the Union on an equal footing with the original states and to make donations of land to such states.

Title to vest in State.

Section 3. That the title to said lands when purchased shall vest in the State of Montana and whenever said lands are sold or otherwise disposed of the proceeds therefrom shall be returned to the permanent fund of the Montana Agricultural College.

Section 4. This Act shall take effect and be in full force after its passage and approval.

Approved February 27th, 1915.

CHAPTER 39.

"An Act prohibiting the introduction into, the manufacture of, and the giving, exchanging, bartering, selling, or disposing of ardent spirits, ale, beer, wine or intoxicating liquors within the State of Montana, providing penalties for the violation thereof, and providing for a Referendum of said Act and providing the time when said Act shall take effect."

Be it enacted by the Legislative Assembly of the State of Montana:

Prohibiting the manufacture and introduction of intoxicating liquors within the State.

Section 1. Ardent spirits, or any compound thereof capable of use as a beverage, or ale, beer, wine or intoxicating liquor or liquors of any kind shall not be manufactured or introduced into the State of Montana, except as herein expressly provided.

A misdemeanor to introduce into or manufacture within the State or to sell, give, barter, dispose of, etc., any ardent or intoxicating liquors of any kind.

Every person who sells, exchanges, gives, barters or disposes of any ardent spirits, or any compound thereof capable of use as a beverage, or any ale, beer, wine or intoxicating liquors of any kind, to any person, persons or association or corporation in the State of Montana, or who manufactures, or introduces into, or attempts to introduce into the State of Montana, any ardent spirits, or any compound thereof capable of use as a beverage, or any ale, beer, wine or intoxicating liquors of any kind, shall be guilty of a misdemeanor and upon conviction shall be imprisoned not less than ten days nor more than two years, and shall be fined not less than twenty-five dollars, nor more than three hundred dollars for each

Penalty for each offense.

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offense; provided, that nothing in this Act shall apply to the manufacture or sale of denatured alcohol, nor to wine intended for sacramental purposes, nor to alcohol intended for scientific or manufacturing purposes. Exceptions.

Section 2. This Act shall take effect and be in force on and after the 31st day of December, 1918, provided the same shall be ratified by a majority vote of the people of the State of Montana. When Act to take effect.

Section 3. There shall be a referendum upon this Act and the Secretary of State is hereby required and it is made his duty to submit this measure, in accordance with Article V, Section 1 of the Constitution, to the people of the State for their approval or rejection, at the biennial regular general election to be held in November, 1916. Referendum ordered.

Section 4. Separate ballots shall be used at such general election to be held in November, 1916, which shall have printed thereon the words, the first two of which, in each instance, shall be printed in capital letters, as follows: Separate ballots to be used at election.

"FOR PROHIBITION of the sale and manufacture of intoxicating liquors." Form of ballots.

"AGAINST PROHIBITION of the sale and manufacture of intoxicating liquors."

Section 5. If a majority of the votes at said election shall be in favor of this Act, Section 1 thereof shall not be in effect until the 31st day of December, 1918. If majority vote favors Act.

Section 6. All Acts and parts of Acts in conflict herewith, particularly all laws of this State and all ordinances of cities and towns relating to the issuance of liquor licenses, are hereby repealed, after the 31st day of December, 1918, provided this Act is approved by the people. Repealing clause. To take effect.

Approved February 27th, 1915.

CHAPTER 40.

"An Act to amend Section 1 of Chapter 81 of the Laws of the Twelfth Legislative Assembly, entitled 'An Act prescribing the salary of certain appointive and deputy State officers, clerks, stenographers, and employes at the State Capitol.'"

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1 of Chapter 81 of the Laws of the Twelfth Legislative Assembly be, and the same is hereby amended so as to read as follows: Fixing salaries of deputy State officers, stenographers, etc.

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Section 1. The annual compensation allowed to the following named deputy State officers, clerks, stenographers, and employes at the State Capitol is as follows:

Office of Governor.

Stenographer $1500.00

Office of Secretary of State.

Deputy $2100.00
Stenographer and Recorder $1800.00

Office of State Treasurer.

Deputy $2100.00
Clerk $1800.00

Office of State Auditor.

Deputy $2100.00
Stenographer $1200.00
Bookkeeper $1200.00
Chief Clerk $1800.00

Superintendent of Public Instruction.

Deputy $2100.00
Stenographer $1200.00
Clerk $1200.00

Railroad Commission.

Rate Clerk $2500.00
Inspector $1800.00
Stenographer $1200.00

State Veterinarian.

Deputy $1500.00
Stenographer $1200.00

Department of Agriculture and Publicity.

Clerk $2100.00
Stenographer $1200.00

Department of Labor and Industry.

Clerk $2100.00
Stenographer $1200.00

Mine Inspector.

Deputy $2400.00

Adjutant General.

Adjutant General $1800.00
Stenographer (from Dept. Child and Animal Protection) ..... $ 300.00

Consolidated Boards.

(Boards of Prison Commissioners, Insane Commissioners, Pardons, and Equalization.)

Clerk $2100.00

State Law Library.

Librarian $2500.00

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State Historical Library.

Librarian	$2100.00
First Assistant	$1200.00
Second Assistant	$1200.00

Board of Horticulture.

Secretary	$1000.00

State Board of Examiners.

Clerk	$2100.00
State Accountant	$2100.00

State Board of Health.

Secretary	$3000.00
Stenographer	$1200.00

Bureau of Child and Animal Protection.

Secretary	$2500.00
First Deputy	$1800.00
Second Deputy	$1800.00
Third Deputy	$1800.00
Fourth Deputy	$1800.00
Fifth Deputy	$1800.00
Sixth Deputy	$1800.00
Stenographer	$ 900.00

State Fair.

Secretary	$3000.00

Supreme Court.

Stenographer	$2400.00
Marshal	$1500.00
Attendant	$1200.00

Capital Employes.

Engineer	$135.00 per month
Assistant Engineers	$4.00 per day
Head Janitor	$3.00 per day
($10.00 additional per month.)	
Janitors, each	$3.00 per day
Night Watchman	$3.00 per day

Land Department.

Deputy Register State Lands	$2100.00
Assistant Secretary Carey Land Act Board	$1800.00

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed. **Repealing Clause.**

Section 3. This Act shall be in full force and effect sixty days after its passage and approval.

Approved February 27, 1915.

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CHAPTER 41.

"An Act prohibiting the selling or giving of intoxicating liquors to habitual drunkards or a person visibly affected by intoxicating drink, or to minors or to Indians, and amending Section 8380 of the Revised Codes of Montana, and adding Sections 8380 (a), 8380 (b) and providing penalties."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 8380 of the Revised Codes of the State of Montana be amended so as to read as follows:

Selling intoxicating liquors to habitual drunkards.

To intoxicated persons.

To minors or Indians.

Liability.

Who may sue.

Section 8380. Every person who sells or gives intoxicating liquors to persons who are in the habit of getting drunk or intoxicated, or of drinking intoxicating liquors to excess, after being notified in writing of such habit, or who sells or gives intoxicating liquors to persons at the time in a state of intoxication, or visibly affected by intoxicating liquors, or who sells or gives intoxicating liquors to a minor or an Indian, is liable in damages to any person who is injured thereby in money, property or means of support. In a suit for recovering damages named in this section, a married woman may sue in her own name and a minor by guardian.

Violation of Act a misdemeanor.

Penalty.

Section 8380 (a). A violation of any of the provisions of this Act shall be deemed a misdemeanor, and upon conviction the offender shall be punished by a fine of not less than fifty dollars and not exceeding two hundred and fifty dollars, and persons acting as servants, employes or agents shall be liable in the same manner as their employers or principals.

Penalty upon second conviction.

Penalty upon third conviction.

Section 8380 (b) Any person convicted a second time for a violation of the provisions of this Act, in addition to the penalty above named, if he be engaged in the business of selling intoxicating liquors, shall be prohibited from the conduct of such business for a period of three months from the date of such conviction, and any such person convicted a third time for a violation of the provisions of this Act shall, in addition to the penalty prescribed in Section 8380 (a) hereof, be barred from obtaining a retail liquor license for a period of six months to three years within said county.

Minor misstating his age.

Sending minors to purchase intoxicating liquors

Section 2. Any minor who shall misstate his age shall be guilty of a misdemeanor and any person who shall send a minor to any person to purchase any such intoxicating liquors shall be equally guilty with the person who shall give or sell such intoxicating liquor as provided in Section 1 of this Act.

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Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed. Conflicting Acts repealed.

Section 4. This Act shall take effect and be in full force from and after its passage and approval.

Approved February 27th, 1915.

CHAPTER 42.

"An Act making it the duty of adult children to support indigent parents, providing procedure and fixing penalties."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. It is hereby declared and made the duty of every adult child, having the ability so to do, to furnish and provide necessary food, clothing, shelter and medical attendance for his indigent parent or parents, unless in the judgment of the court or jury, he is excused therefrom by reason of intemperance, indolence, immorality or profligacy of such parent. Duty of adult child to support indigent parents. Exception.

Section 2. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor. Misdemeanor.

Section 3. A civil suit may be instituted and maintained for the enforcement of the provisions of this Act by any such child, where there is more than one adult child, or by the parent to whom such support is due, or by the county attorney, and in case there is more than one such child, the court or the jury upon the hearing, is authorized and empowered to apportion the expenses of such support between the adult children, and the court shall enter judgment in accordance with such finding and apportionment; provided that such civil action shall not be construed as barring the arrest and conviction of such person for misdemeanor. Who may maintain action to enforce provisions of this Act. Where there is more than one adult child. Civil action shall not bar criminal action.

Section 4. All Acts and parts of Acts in conflict with this Act are hereby repealed. Repealing clause.

Section 5. This Act shall be in full force and effect sixty (60) days after its passage and approval. When Act to take effect.

Approved Feby. 27th, 1915.

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CHAPTER 43.

"An Act to compel abstractors of title to real estate to file a bond for the protection of those with whom they deal, and to procure a seal; to provide for the issuance of a certificate of authority to such abstractors: providing that their fees are a matter of contract; also that any properly certified abstract of title shall be prima facie evidence in the courts; also providing for a new or additional bond and the procedure to be followed in procuring the same, including an appeal to the District Court; and providing penalties for the violation of this Act."

Be it enacted by the Legislative Assembly of the State of Montana:

Misdemeanor to make abstracts of titles for hire without giving bond to State.

Section 1. It shall be a misdemeanor for any person, firm or corporation to engage, or continue, in the business of making or compiling abstracts of title to real estate, in the State of Montana, for compensation or hire, without first filing with the State Treasurer [of the county in* which such business is conducted,] a bond or undertaking, in the penal sum of Five Thousand ($5,000) Dollars, running to the State of Montana, for the use of any person aggrieved, with sufficient sureties, to be approved by the Judge of the District Court; such sureties shall be at least two in number if personal sureties are furnished; such bond or undertaking shall be conditioned for the faithful performance of duty by such abstractor, and the payment of any and all damages that any person may suffer by reason of any error, deficiency or mistake in any abstract or certificate of title, or any continuation thereof, made or issued by such abstractor.

Conditions of bond.

State Treasurer to issue certificate, when.

Section 2. When any abstractor shall have filed a bond or undertaking as herein provided, he or it, shall be entitled to receive from the State Treasurer a certificate reciting that he or it is entitled to engage in the business of making and compiling abstracts of title to real estate in the State of Montana, which certificate shall be valid so long as the bond given by such abstractor shall remain unimpaired and no longer. The State Treasurer shall be entitled to receive a fee of One Dollar ($1.00) for issuing such certificate.

Certificate fee.

Abstractors' compensation.

Section 3. The compensation to be charged and received by abstractors of title shall be and remain a matter of contract between the parties.

What abstracts to be received as prima facie evidence.

Section 4. Any abstract of title to real estate, certified to be true and correct by any abstractor holding a valid

*(NOTE BY SECRETARY OF STATE—The words in brackets were not in the engrossed bill, but were stricken out. Their inclusion is evidently an error in enrolling.)

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and subsisting certificate of authority from the State Treasurer, as herein provided, shall be received by the courts of this State as prima facie evidence of its contents, under such rules and regulations as to procedure as such courts may promulgate.

Bond to be renewed annually.

Section 5. The bond or undertaking herein provided for shall be in full force and effect for a period of one year, and shall be renewed annually; but the Attorney General may, upon complaint of any reputable citizen, require such abstractor, upon ten days written notice, to furnish a new or additional bond, or to show cause before the State Treasurer why he or it has not done so, and if within said ten days no new or additional bond has been filed, with approved sureties, and not any sufficient reason is shown to the State Treasurer why a new bond should not be required, then the State Treasurer shal, in writing, annul the certificate of authority of such abstractor.

When Attorney General may require a new bond.

Hearing on complaint and duty of Attorney General.

Section 6. It is the duty of the Attorney General to appear before the State Treasurer in behalf of the complainant and to cause a transcript of any testimony taken to be made by a stenographer; either the abstractor or the complainant may appeal to the District Court of the county in which the complainant resides from the decision of the State Treasurer, who shall certify the record, including the testimony, to said court; the District Court shall hear the appeal in a summary way, on such record, and the costs of such appeal, including the furnishing of the testimony shall be taxed against either the abstractor or the complainant, whichever is defeated on such appeal.

Appeal to the district court.

Hearing.

Costs.

Abstractor's seal.

Section 7. Any abstractor qualifying under the provisions of this Act shall procure a seal, which seal shall have stamped thereon the name and location of such abstractor; and shall deposit with the State Treasurer an impression of such seal before a certificate shall issue; which said seal shall be affixed to every abstract, or certificate of title issued by such abstractor.

Violation of this Act a misdemeanor.

Penalty.

Section 8. Any person, firm or corporation violating any of the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars ($500.00) for each offense.

Conflicting Acts repealed.

Section 9. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Act to take effect, when.

Section 10. This Act shall be in full force and effect on and after the first day of April, 1915.

Approved February 27, 1915.

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CHAPTER 44.

"An Act relating to indebtedness of irrigation districts."

Be it enacted by the Legislative Assembly of the State of Montana:

Limit of amount indebtedness of irrigating districts.

Section 1. No irrigation district now existing or hereafter created shall become indebted in any manner or for any purpose in any one year in an amount exceeding fifteen per cent of the assessed valuation of said district,

Exceptions.

except that for the purpose of organization or for any of the immediate purposes of this Act, or in order to meet the expenses occasioned by any calamity or other unforeseen contingency, the board of commissioners may, in any one year, incur an additional indebtedness not exceeding ten per cent of the assessed valuation of said district,

Warrants may be issued, when.

and may cause warrants of the district to issue therefor bearing interest at the rate not to exceed six per cent per

Bonded indebtedness excepted, also interest warrants.

annum, provided, however, that this limitation shall not apply to the indebtedness for which bonds have been or may be issued as provided for by law, or to warrants issued for unpaid interest on the bonds of any irrigation district.

Validating outstanding warrants, etc.

Section 2. All warrants or other evidence of indebtedness heretofore issued by any irrigating district for an indebtedness incurred by said district and for which said district received value, now outstanding and unpaid and in excess of any limitation provided by law, are hereby declared valid and enforcible obligations against such district, the same as though such limitation had not been exceeded, and any exchange of unsold portions of any authorized bond issue of any irrigation district for such outstanding warrants of said district is hereby declared valid.

Repealing section.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. That this Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved February 27, 1915.

CHAPTER 45.

"An Act to provide for library extension through the establishment and maintenance of County Free Libraries."

Be it enacted by the Legislative Assembly of the State of Montana:

County free libraries.

Section 1. Upon petition signed by not less than twenty per cent of the qualified voters of a county, at least one-

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half of whom shall reside outside of the county seat, being filed with the Board of County Commissioners, requesting the establishment of a County Free Library, the County Commissioners of any county may at their option and in their discretion, by resolution, duly adopt and make part of the records of such Board, establish at the county seat a County Free Library, as provided in this Act. At least once a week for four successive weeks prior to taking such action, the Board of County Commissioners shall publish, in a newspaper of general circulation in such county, notice of such contemplated action, giving therein the date and place of the meeting for a public hearing at which such action is proposed to be taken.

Petition to establish.

At option of county commissioners to establish.

Notice of meeting for public hearing.

Section 2. After the establishment of a County Free Library as provided in this Act, the Board of Trustees, Common Council, or other legislative body of any incorporated city or town in the county may withdraw such incorporated city or town from the operation of this Act, by notifying the Board of County Commissioners that such city or town no longer desires to be a part of the County Free Library system, and thereafter the residents of such city or town shall cease to participate in the benefits of such County Free Library, and the property situated in such city or town shall not be liable to taxes for County Free Library purposes; provided, that public notice of such contemplated action by the Board of Trustees, Common Council, or other legislative body of any incorporated city or town desiring to withdraw such incorporated city or town from the operation of this Act, shall be given by publication in some newspaper of general circulation in such city or town, for at least once a week for four successive weeks prior to taking such action, giving therein the date and place of the meeting at which such contemplated action is proposed to be taken.

Incorporated cities may be withdrawn from operation of Act.

Property in incorporated city or town not then subject library tax.

Published notice of intended withdrawal must be given.

Section 3. Upon the establishment of a County Free Library the Board of County Commissioners may appoint a County Librarian, who may be removed for or without cause. Any person who is a graduate of a library school, or has had one year's practical experience in library work, shall be eligible to the office of County Librarian.

County librarian, appointment of.

Qualification.

Section 4. The County Free Library shall be under the general supervision of the Board of County Commissioners, who shall have the power to make general rules and regulations regarding the policy of the County Free Library, and to establish branches and stations throughout the county, and may locate said branches and stations wherever deemed advisable; to determine the number and kind of employes of such library, and to appoint and

Commissioners to supervise and may make rules and regulations.

Branches and stations.

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Other employes. Qualifications and grades of employes.

dismiss such employes. All employes of the County Free Library whose duties require special training in library work, shall be graded in grades to be established by the County Librarian, according to the duties required of them. Before appointment to a position in the graded service, the candidate must pass an examination appropriate to the position sought, satisfactory to the County Librarian and County Commissioners, and show a satisfactory experience in library work; provided, that the County Librarian may also accept as apprentices, without compensation, candidates possessing personal qualifications satisfactory to the Librarian, and the Board of County Commissioners may dismiss such apprentices at any time if in its judgment the work is not satisfactory.

Examinations.

Appointment and dismissal of apprentices.

Official oath and bond.

Section 5. The County Librarian shall, prior to the entering upon the duties of her office, file with the County Clerk the usual oath of office and be required to file bond for such sum as the Board of County Commissioners may determine. The County Librarian shall, subject to the general rules adopted by the Board of County Commissioners, build up and manage, according to the accepted principles of library management, a library for the use of the people of the county, and shall, subject to approval by the Board of County Commissioners, determine what books and other library equipment shall be purchased. The library building shall be under the general supervision and care of the County Librarian. The County Librarian shall be allowed actual and necessary traveling expenses incurred in the business of the office, and such other compensation as the Board of County Commissioners may fix. The Boards of County Commissioners of the several counties of the State are hereby authorized to audit and allow such traveling expenses and other compensation of the County Librarian of the respective counties, quarterly; and the same shall be paid out of the County Free Library Fund.

Duties of librarian.

Librarian's compensation and traveling expenses.

Levy of library tax.

Section 6. The Board of County Commissioners, after a County Free Library has been established, may annually levy, in the same manner and at the same time as other county taxes are levied, a special tax not to exceed one mill on the dollar upon all property in such county, for the purpose of maintaining the County Free Library. County bonds may be issued in the manner prescribed in Sections 2905-2907 of the Revised Codes of 1907, of Montana, for the erection and equipment of County Free Library buildings and the purchase of land therefor. The Board of County Commissioners is authorized to receive on behalf of the county any gift, bequest, or devise for the County Free Library or for any branch or subdivision thereof.

Bonds for building and equipment.

Gifts, bequests and devises.

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The title to all property belonging to the County Free Library shall be vested in the county. All laws applicable to the collection of county taxes shall apply to the collection of the tax herein provided. All funds of the County Free Library, whether derived from taxation or otherwise, shall be in the custody of the County Treasurer. They shall constitute a separate fund, called the County Free Library Fund, and shall not be used for any purposes except those of the County Free Library. Each claim against the County Free Library fund shall be authorized and approved by the County Librarian, or in his absence from the county, by his assistant. It shall then be acted upon in the same manner as are all other claims against the county.

Library funds.

Claims against library to be approved, by whom.

Section 7. The Board of County Commissioners shall have power to accept on behalf of the County Free Library, all books and other property of school libraries as provided by Sections 1200-1205 of Chapter 12 of the Session Laws of 1913, of the State of Montana, and to manage and maintain the same as a part of the County Free Library.

Board may accept property of school libraries.

Section 8. Whenever the county in which a school district library is situated shall maintain a County Free Library, the Board of School Trustees or city Board of Education may agree with the proper authorities of such county to make the school district library a branch of such County Library. In this event this Board of School Trustees or City Board of Education shall turn over the books to the County Free Library, and shall annually transfer to such County Free Library its library fund, as soon as it is available, to be kept and expended as other funds of such County Library. The said County Free Library shall thereupon have such district library managed and maintained according to the rules and regulations established by the authorities of the County Free Library.

How district school libraries may be made branches of county library.

Management of district library thereafter.

Section 9. Whenever a school district library shall have become a branch library, as provided in Section 8 of this Act, the County or City Superintendent of Schools may draw a warrant for the whole amount of the district library fund, payable to the proper authorities of the County Free Library, upon the filing with him of a copy of the resolution of the Board of Trustees of the District or the City Board of Education, embodying the agreement made with such County Free Library, which copy shall be duly certified as correct by the Clerk and Recorder of the county, or other proper officer.

When district library funds may be turned over to county free library.

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When and how county library may be disestablished.

Section 10. After a County Free Library has been established it may, upon petition signed by not less than ten per cent of the qualified voters of a county requesting its disestablishment being filed with the Board of County Commissioners, be disestablished in the same manner as it was established. At least once a week for four successive weeks prior to taking such action, the Board of County Commissioners shall publish, in a newspaper designated by them and published in the county, notice of such contemplated action, giving therein the date and place of meeting for a public hearing at which contemplated action is proposed to be taken; provided, that an interval of three months shall elapse between such action and the disestablishment.

Notice of contemplated disestablishment of the library.

When and how free public libraries of incorporated city or town may assume the functions of the county library.

Section 11. Instead of establishing a separate County Free Library, the Board of County Commissioners may enter into a contract with the Board of Library Trustees, or other authority in charge of the Free Public Library of any incorporated city or town, and the Board of Library Trustees, or other authority in charge of such Free Public Library, is hereby authorized to make such a contract. Such contract may provide that the Free Public Library of such incorporated city or town shall assume the functions of a County Free Library within the county with which such contract is made, and the Board of County Commissioners may agree to pay out of the County Free Library fund into the library fund of such incorporated city or town such sum as may be agreed upon. Either party to such contract may terminate the same by giving six months' notice of intention to do so.

Contract may be terminated.

Claims against libraries, how approved.

Section 12. Each claim against the County Free Library fund, as provided by this Act, or against any "City or Town Library Fund," as provided for in Section 3488 of the Revised Codes of 1907, must be authorized and approved by the Board of County Commissioners or by the Board of Trustees of the city library, as the case may be.

Conflicting Acts repealed.

Section 13. All Acts or parts of Acts in conflict herewith are hereby repealed.

Section 14. This Act shall be in full force and effect from and after its passage and approval.

Approved February 27, 1915.

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CHAPTER 46.

"An Act to change the boundary of Missoula and Powell County, Montana, and to take a certain part of Powell County therefrom and add the same to Missoula County."

Be it enacted by the Legislative Assembly of the State of Montana:

Change made in Missoula County line.

Section 1. That there be and hereby is, established and created, a change in the county line of the County of Missoula, so that the boundary of Missoula County shall be changed as follows:

Boundary of Missoula County.

"Commencing at a point on the east line of Missoula County at the point where the county line between Powell and Granite Counties departs therefrom in Section Fifteen (15), Township Twelve (12) North of Montana base, and Range Fifteen (15) West of the Montana Meridian; and thence extending east along said County boundary of Powell and Granite Counties to the point where said County boundary intersects the North and South line between Ranges Thirteen (13) and Fourteen (14) West of Montana Meridian and extending thence north on said line between Ranges Thirteen (13) and Fourteen (14) aforesaid to the north line of Township Sixteen (16) North, being the fourth standard parallel north of the State of Montana, and thence due west to the east line of Missoula County, thence due south to the place of beginning."

Described territory to be a part of Missoula County.

Section 2. From and after the enactment and approval of this Act, all of the territory described hereinabove shall be and become a part of Missoula County, Montana, and shall be taken from Powell County aforesaid and added to Missoula County aforesaid.

Sum to be paid by Missoula County to Powell County.

Provided that the said County of Missoula shall pay or secure the payment to said Powell County from the General Fund of said County, the sum of Ten Thousand Six Hundred Seventy-eight and 50-100 Dollars ($10,678.50), the said sum being the value of the property in roads, bridges and other improvements owned by said Powell County within the limits of the said above described territory to be transferred to said Missoula County and provided further that when said payment has been made, or satisfactorily arranged for the County Clerk of Powell County shall certify the fact of such payment to the County Clerk of Missoula County, whereupon the property within said territory above described shall be and become the property of Missoula County and the territory hereinabove described shall be and become a part of Missoula County for all purposes.

When transfer becomes effectual.

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Repealing clause.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

When Act shall go into effect.

Section 4. This Act shall be in force and go into effect upon its passage and approval, and upon a compliance with the terms contained in Section 2 hereof.

Approved Feby 27th, 1915.

CHAPTER 47.

"An Act for the submission to the qualified electors of the State of Montana of an amendment to Section 15, Article XII of the Constitution of the State of Montana, creating a County Board of Equalization and a State Board of Equalization and prescribing the powers, authority and duties of such respective Board."

Be it enacted by the Legislative Assembly of the State of Montana:

Submitting amendment of Constitution to the people.

Section 1. That Section 15 of Article XII of the Constitution of the State of Montana be amended and that the question of such amendment be submitted to the qualified electors of the State of Montana at the next general election.

Amending Sec. 15, Art. XII of State Constitution.

Section 2. That Section 15 of Article XII of the Constitution of the State of Montana be and the same is hereby amended to read as follows:

Providing for a county and a State board of equalization.

Section 15. The Board of County Commissioners of each County shall constitute a County Board of Equalization and the Governor, Secretary of State, State Treasurer, State Auditor and Attorney General shall constitute a State Board of Equalization.

Duty of county board.

The duty of the County Board of Equalization shall be to adjust and equalize the valuation of taxable property within their respective Counties and all such adjustments and equalization may be supervised, reviewed, changed, increased or decreased by the State Board of Equalization.

Power of State Board.

The State Board of Equalization may adjust and equalize the valuation of taxable property among the several Counties and the different classes of taxable property in the same and in the several counties and between individual taxpayers; supervise and review the acts of County Assessors and County Boards of Equalization; change, increase or decrease valuations made by County Assessors or equalized by County Boards of equalization and has such authority and may do all things necessary to secure a fair, just and equitable valuation of taxable property among the Counties and between the different classes of property and individuals.

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Form of ballots to be used.

Section 3. Separate official ballots shall be used at the general election to be held in November, 1916, which shall have printed thereon, the words: "For the amendment to the constitution providing for the creation of a County Board of Equalization and a State Board of Equalization and defining the powers, authority and duties of such Boards," and the words: "Against the amendment to the constitution providing for the creation of a County Board of Equalization and a State Board of Equalization and defining the powers, authority and duties of such Boards," and the electors shall designate a preference for either of the propositions by making an X before the proposition for which such elector desires to vote.

How vote shall be canvassed.

Section 4. The votes cast for and against the amendment to the constitution above proposed shall be canvassed as provided by the general election laws of the State of Montana, for the canvassing of the votes of the electors of the State.

Repealing section.

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 6. This Act shall take effect and be in full force from and after its passage and approval.

Approved March 1, 1915.

CHAPTER 48.

"An Act to submit to the qualified Electors of the State of Montana an amendment to Section 2 of Article XII of the Constitution of the State of Montana relating to exemption from taxation."

Be it enacted by the Legislative Assembly of the State of Montana:

Submitting to the people an amendment of Sec. 2, Art. XII of State Constitution.

Section 1. That Section 2 of Article XII of the Constitution of the State of Montana be amended and that the question of such amendment be submitted to the qualified electors of the State of Montana at the next general election.

Section 2. That Section 2 of Article XII of the Constitution of the State of Montana be and the same is hereby amended to read as follows: The property of the United States, the State, Counties, Cities, Towns, School Districts, Municipal Corporations, and Public Libraries shall be exempt from taxation; and such other property as may be used exclusively for agricultural and horticultural societies, for education or religious purposes, places for actual religious worship, hospitals and places for burial not used or held for private or corporate profit.

Proposed amendment begins here.

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and institutions of purely public charity may be exempt from taxation. The Legislative Assembly may authorize the exemption from taxation of evidences of debt secured by mortgages of record upon real or personal property.

Separate ballots to be used.

Section 3. That separate official ballots shall be provided at the general election to be held in November, 1916, which shall have printed thereon the words, "For the amendment to the constitution relating to exemptions," and the words "against the amendment to the constitution relating to exemptions," and the elector shall indicate his preference by marking an X before the proposition for which he desires to vote and the result of the vote on said question shall be determined and declared as provided by law.

Form of ballot.

Repealing clause.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act shall take effect and be in force after its passage and approval.

Approved March 1, 1915.

CHAPTER 49.

"An Act to amend Section 3 of Chapter 129 of the Montana Session Laws of 1911, being an Act in Aid of the Disability Fund of Fire Department in Incorporated Cities for the relief of Sick, Injured and Retired Firemen, and the Pensioning of the Widows and Orphans of Deceased Firemen, and Assigning to said Fund Certain Portions of the Licenses Derived by the State from Fire Insurance Companies doing Business within the State."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3 of Chapter 129 of the Montana Session Laws of 1911, be, and the same is hereby amended so as to read as follows:

State Auditor to issue warrant to cities for 50 per cent of license fee collected of insurance companies.

"Section 3. At the end of the fiscal year, the State Auditor shall issue and deliver to the Treasurer of every City, his warrant for an amount equal to fifty per cent (50) of the licenses collected by the State Auditor under Section 4017 of the Revised Codes of the State of Montana, in proportion to the premium so paid, and collected by the said fire insurance companies, in such cities to the total premiums, paid and collected by such fire insurance companies in the entire State."

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

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Section 3. This Act shall be in full force and effect from and after its passage and approval. Act to take effect.

Approved March 1, 1915.

CHAPTER 50.

"An Act to create the Sixteenth Judicial District of the State of Montana, to be composed of the counties of Custer, Fallon and Prairie and to change the boundaries of the Seventh Judicial District of said State of Montana to conform thereto, and to provide for the appointment, powers, duties, term, and compensation of the Judge of said Sixteenth Judicial District."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That there is hereby created a new Judicial District of the State of Montana, to be known as the Sixteenth Judicial District, and the same shall embrace and comprise the territory within the counties of Custer, Fallon and Prairie, within the State of Montana, which, from and after the passage of this Act, shall constitute the Sixteenth Judicial District of the State of Montana. Sixteenth judicial district. Counties embraced in.

Section 2. That the Seventh Judicial District of the State of Montana shall hereafter embrace the territory within the counties of Dawson, Wibaux and Richland. Seventh judicial district to embrace what counties.

Section 3. That within thirty days after the passage and approval of this Act, the Governor of the State shall appoint some suitable and qualified person Judge of the Sixteenth Judicial District. Governor to appoint judge of sixteenth judicial district.

Section 4. That the powers, duties, compensation, and term of office of the Judge of the Sixteenth Judicial District shall be the same as those provided by law and the Constitution of the State of Montana for District Judges. Powers, duties and compensation of judge.

Section 5. The provisions of this Act shall not work the removal of any clerk of the District Court of either Custer, Fallon, Wibaux, Dawson, Richland or Prairie County, nor affect their salaries. Act shall not remove certain district court clerks.

Section 6. All Acts and parts of Acts in conflict herewith are hereby repealed. Conflicting Acts repealed.

Section 7. This Act shall be in effect from and after its passage and approval.

Approved March 1, 1915.

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CHAPTER 51.

"An Act to create the Fifteenth Judicial District of the State of Montana, to be composed of the counties of Rosebud and Musselshell: To change the boundaries of the Thirteenth Judicial District of said State of Montana to conform thereto; and to provide for the designation, powers, duties, term, and compensation of Judge of said Fifteenth Judicial District."

Be it enacted by the Legislative Assembly of the State of Montana:

Fifteenth judicial district created.

Section 1. That there is hereby created a new Judicial District of the State of Montana, to be known as the Fifteenth Judicial District, and that the same shall embrace and comprise the territory within the Counties of Rosebud and Musselshell within the State of Montana, which, from and after the passage of this Act, shall constitute the Fifteenth Judicial District of the State of Montana.

Counties embraced in.

Thirteenth judicial district composed of.

Section 2. That the Thirteenth Judicial District of the State of Montana shall hereafter embrace the territory within the Counties of Carbon, Big Horn, and Yellowstone.

Governor shall appoint Charles L. Crum judge of fifteenth district.

Section 3. That within thirty days after the passage of this Act the Governor of this State shall appoint and designate Honorable Charles L. Crum as the Judge of the Fifteenth Judicial District.

Powers, duties, compensation and term of office.

Section 4. That the powers, duties, compensation, and term of office of the Judge of the Fifteenth Judicial District shall be the same as those provided by law and the Constitution of the State of Montana.

Certain clerks not affected.

Section 5. The provisions of this Act shall not work the removal of any clerk of the District Court of either Rosebud or Musselshell County, nor affect their salaries.

Repealing section.

Section 6. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 7. This Act shall be in effect from and after its passage and approval.

Approved Mar. 1, 1915.

CHAPTER 52.

"An Act to amend Section 14 of Chapter 122 of the Acts of the Twelfth Legislative Assembly of the State of Montana, Session of 1911, relating to the appointment of probation officers in judicial districts, specifications of their duties, and providing for their compensation."

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 14, Chap. 122 Laws of 1911 amended.

Section 1. That Section Fourteen of Chapter One Hundred Twenty-two of the Session Acts of the Twelfth

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Legislative Assembly of the State of Montana, is hereby amended to read as follows:

Chief probation officer to be appointed by whom.

Section 14. In every Judicial District of the State of Montana, the Judge or Judges thereof may appoint one discreet person of good moral character, who shall be known as the Chief Probation Officer of such district, and who shall hold his office during the pleasure of the Court, and who shall receive for his or her services such sum as shall be specified by the Court upon appointment, not exceeding the sum of Eighteen Hundred Dollars ($1,800.00) per annum, to be paid, however, upon a per diem basis for the time actually and necessarily employed in performing the duties of the office. Said Probation Officer shall also be reimbursed for the actual and reasonable traveling and other expenses incurred by him in pursuance of his official duties. Such reimbursement shall be made once each month by the County or several Counties constituting the judicial district for which such Probation Officer shall have been appointed. Each Probation Officer shall, not later than the tenth (10th) day of every calendar month, and before the allowance and payment thereof, file or cause to be filed with the proper Board of County Commissioners of the County chargeable therewith, an itemized sworn statement and account of such expenses, including his claim for salary for the preceding month, with the approval of the District Judge or Judges endorsed thereon. Each County of the State shall reimburse such Probation officer only in respect to such expenses as have been incurred in connection with juvenile persons residing in that County. When a Judicial District consists of one County, the salary of the Probation Officer to be paid by that County, and when a Judicial District is composed of more than one County, the salary of such officer shall be apportioned among and paid by each of said Counties in proportion to the assessed valuation of such Counties for the year then current.

Term of office and compensation.

Traveling and other expenses, monthly.

Verified statement of account to be filed monthly.

Each county to reimburse officer only for certain expenses.

Salary to be paid by what counties.

Additional probation officers.

That in every Judicial District of the State of Montana the Judge or Judges thereof having jurisdiction, if in their opinion the circumstances require, may appoint other persons, but not to exceed two (2), to serve as Probation Officers, who shall receive not to exceed one hundred Dollars ($100.00) per month, and to serve at the will of the Court, and be paid by the County Treasurer, as above set forth, and provided that said Judge or Judges of the District Court may appoint as Probation Officers such other discreet persons of good moral character as are willing to serve without compensation. It shall be the duty of the Clerk of the District Court, immediately upon the appointment of a Probation Officer,

Compensation.

To serve when.

Provided that other persons to serve without pay may be appointed.

Clerk's duty to give notice of appointment.

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to notify the Courts and magistrates of any County in which the said Officer is appointed, giving them the names and post office addresses of such officers. The duties of said Probation Officer or Officers shall be such as hereinafter prescribed.

Complaint of misdemeanor by minors under 17 years of age.

Whenever a complaint is made or pending against a boy or girl, before they have completed their seventeenth year (17th), for the commission of any offense not punishable by law with life imprisonment, or for which the penalty is death, before any Court or magistrate, it shall be the duty of such Court or magistrate at once and before any other proceedings are had in the cause, to give notice in writing of the pendency of said cause to the Probation Officer of his county. Said Probation Officer shall immediately, or as soon thereafter as possible, proceed to inquire into and make a full examination and investigation of the facts and circumstances surrounding the commission of the alleged offense, the parentage and surroundings of said child, its exact age, habits and school record, and everything that will throw light on its life and character, and may also inquire into the home conditions, habits and character of the parents or guardians, and shall make a full report thereon in writing to the Judge of the District Court having charge of such cases, before said cause is tried. If, upon consultation with the Probation Officer and examination of such report, it shall appear to the Judge of said Court that the child is not guilty of the offense charged against it, or that the interest of the child shall be best subserved thereby, the Court shall order that such be not brought into Court and said cause shall be dismissed. Said Chief Probation Officer shall attend all hearings under this Act and represent the interests of the child and shall take charge of any child before or after the trial, as the Judges may direct; he shall serve warrants and other process of the Court, within or without the county, and in that respect they are hereby clothed with the powers and authority of sheriffs; they can make arrests without warrant upon view of the violation of any of the provisions of this Act and detain the person so arrested pending the issuance of a warrant, and perform such other duties incident to their offices as the Judge may direct, and all sheriffs, deputy sheriffs, constables, marshals and police officers are required to render assistance to Probation Officers in the performance of their duties when requested to do so.

Court to give notice to probation officer.

Duty of probation officer to make investigation.

When court shall order that child shall not be brought in court.

Chief probation officer to attend and represent child at trial and thereafter.

Power to serve processes.

Arrest and detention without warrant.

Other officers commanded to assist.

When court may withhold judgment.

If upon the trial of any child the Court shall find that such child is guilty of the offense charged, he may withhold judgment for a definite or indefinite period if it appear that the public and the interest of the child will be

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best subserved thereby, and may order that such child be returned to the care of his or her parents, guardian or friends; or he may commit such child to the care of a volunteer Probation Officer who shall exercise supervision over it until such time as it is discharged by the Court from supervision upon the recommendation of such volunteer Probation Officer, and if the parents, parent, guardian or custodian consent thereto, or if the Court shall further find either that the parent, parents, guardian or custodian are unfit or improper guardians, or are unable or unwilling to care for, protect, educate or discipline such child, and shall further find that it is for the best interest of such child and for the people of this State that such child be taken from the custody of its parents, custodian or guardian, the Court may order such child to be placed in the family of some suitable person where such family home shall be recommended by the Probation Officer of the Court after consultation with those representing the interests of the child, there to remain until he or she shall have attained the age of twenty-one years or for any less time, or the Court may order such child to be placed in the home where the county's dependent children are kept; or, if it appears to be for the best interests of the child, and such child appears to be in need of institutional training, the Court may order him or her to be committed to some state institution, or some institution of learning managed by a corporation or an individual, and devoted to the care of such children, for a definite or indefinite period; said institution to be situated in the State of Montana, and to be inspected at least once a year and approved by the Bureau of Child and Animal Protection, and to receive for its services a per diem of thirty-five cents for each day that such child shall be in the custody, such per diem to be paid by the County sending the child, upon itemized vouchers duly certified to by the Court; or the Court may impose a fine with costs, or the Court may for good cause shown suspend judgment in any case for a definite or indefinite period; or, if the offense be a malicious trespass, the Court may require the damage to be made good, or if the offense be petit larceny and the stolen property is not recovered, the Court may require it to be paid for by the delinquent child himself if it be shown that he or she is capable of earning the money or has money of his or her own, or its parents or guardian, at the discretion of the court; and in all the foregoing cases, where the parents or guardian are unfit to have the custody of said child, or unable to control said child, the Court may deem the child to be the ward of the Court.

May commit child to care of whom.

When the court may place the child in the custody of some family, etc.

To remain until of age of 21 years, or less time.

County's home for dependent children.

When court may commit to some State institution, or institution of learning in the State.

Inspection of institution of learning.

Compensation to be paid by the county.

May impose fine and suspended judgment

In case of malicious trespass and petit larceny.

When court may deem child a ward of the court.

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as far as its person is concerned; and in all cases where any child has been decreed to be the ward of the Court, the authority of the Court over its person shall continue until the Court shall otherwise decree, and the Court may adopt all rules and regulations that may be needed in order to carry out the provisions of this Act. In every case in which the Court shall commit any child to the care and custody of any other institution as above provided, other than a state institution and such child shall have a parent or guardian within the county, the Court may make and enter an order requiring such parent or guardian to appear before said Court upon a day and hour to be named by the Court therein, and show cause, if any she or he have, why she or he should not pay for the support of such child, in whole or in part, while it is an inmate of such institution. A certified copy of said order shall be served upon such parent or guardian by the Chief Probation Officer of the county not less than ten days prior to the day fixed therein for such appearance. Upon due service and return of said order, the Court shall, upon the day fixed or upon such subsequent day as may be fixed by the Court, hear evidence as to the financial ability of such parent or guardian, and in case the Court shall find that such parent or guardian should pay for or contribute to the support and maintenance of such child, the Court shall render judgment against such parent or guardian that that parent or guardian shall pay to the Chief Probation Officer such sums as the Court shall adjudge and at such time and in such amounts as shall be by the Court found just. And such judgment shall be enforced as other judgments are enforced, and all moneys collected on such judgments shall be held by the Chief Probation Officer and shall be remitted quarterly by him to the institution keeping such child or children, and the amount so remitted shall be deducted from the quarterly bill of such institution.

Court may adopt rules and regulations.

Order requiring parent or guardian to show cause why he should not pay for child's support.

Service of certified copy or order on parent or guardian.

Hearing.

Judgment against parent or guardian to pay for support.

Enforcement of judgment.

Quarterly reports of money collected on judgments to be made to the court.

Provided, that the Chief Probation Officer shall make a verified report to the Court at the close of each quarter of the amount of money so collected on such judgments, which report the Judge shall cause to be filed with the County Commissioners with the bill rendered by the institution keeping such child. If any child is wayward and unmanageable, the Court may commit him or her to the Industrial School, or to any other state penal or reformatory institution authorized by law to receive such boy or girl, subject to such conditions as are already provided by law for the reception of such children in said schools or institutions. And in cases where a child shall be committed to a state or other institution as above

What children may be committed to the Industrial School or other State penal institution.

Report of probation officer to be

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provided, the report of the Probation Officer shall be attached to the commitment and the child shall be placed in charge of the Probation Officer, or some person designated by the Court to be conveyed under his direction, to the designated institution; Provided, that a woman shall always be sent with the girls so committed, and the person taking such child to the designated institution shall be allowed and paid his or her actual expenses and no more, where he or she is a paid officer of such Court, appointed by the Court, and in all other cases the person taking such child to any institution shall be allowed and paid for his or her services, the same fees and expenses as are paid to sheriffs in like cases;

attached to commitment, when.

A woman shall always be sent with a girl committed to State penal institution.

Transportation expenses.

And provided, that the Court may when the health or condition of the child require it, cause the child to be placed in a public hospital or institution for treatment or special care, or in a private hospital or institution which will receive it for like purposes without charge or for the per diem of thirty-five cents a day;

When a child may be placed in a public hospital, etc.

Provided, that when any child contemplated by this Act shall be sentenced to confinement in any institution to which adult convicts are sentenced, it shall be unlawful to confine such child in any room, yard or enclosure with such adult convicts, or to allow them in any manner to come in contact with them or in any way commingle with such adult convicts, or to bring such child into any yard or room in which adult convicts may be present;

When child shall not be confined with adult convicts.

And Provided, that in every trial of any such child he shall be entitled to a trial by a jury of twelve persons if he shall so elect, and

Right of trial by jury imposed.

Provided, that if any such boy or girl against whom a petition is filed is unable to give bond, and the Court does not release him or her on his or her own recognizance, then said boy or girl shall be entitled to an immediate hearing and trial, according to law.

Hearing when child cannot give bond.

Providing that the commitment of any child to an institution or association or society shall be subject to the rules and laws that may be in force from time to time governing such institution, association or society.

Commitment shall be subject to rules of the institution, association or society.

Provided that when it shall be made to appear to the Court that the home of the child or of his parents, former guardian or custodian, is a suitable place for such child, and that such child could be permitted to remain or ordered to be returned to said home, consistent with the public good and the good of such child, the Court may enter an order to that effect, returning such child to his home under probation parole or otherwise; it being the intention of this Act that no child should be taken away

When court may return child to its home under probation parole.

Intention of Act.

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or kept out of his home or away from his parents or guardian any longer than is reasonably necessary to preserve the welfare of the child and the interest of this State; Provided, however, that no such order shall be entered without first giving ten days' notice to the person, institution or association to whose care such child has been committed, unless such guardian, institution, or association to whose care such child has been committed, consents to such order.

Notice of intended return of child to its home.

Court may require institution having custody of child to make reports from time to time.

Duty of institution to make report within what time.

Power of court upon hearing of report.

And Provided, the Court may from time to time, cite into Court the person, institution, association or society, to whose care any delinquent child has been awarded, and require him or it to make a full, true and perfect report as to his or its doings in behalf of such child; and it shall be the duty of such person, institution or association, within ten days after such citation, to make such report, either in writing, verified by affidavit, or verbally under oath, in open Court or otherwise, as the Court shall direct; and upon the hearing of such report with or without further evidence, the Court may, if it sees fit, take such child from said person, institution, association or society, and place it with another, or restore such child to the custody of its parents or former guardian or custodian.

Conflicting Acts repealed.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Presented to the Governor February 23, 1915.

S. V. STEWART, Governor.

Filed March 2, 1915 at 10:40 o'clock A. M.

A. M. ALDERSON, Secretary of State.

(Note by the Secretary of State.)

The foregoing Act having been presented to the Governor for his approval and not having been returned by him to the House in which it originated within the time prescribed by the Constitution, has become a law without his approval.

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CHAPTER 53.

Title

"An Act to repeal Chapter 112 of the Session Laws of the Twelfth Legislative Assembly of 1911, entitled 'An Act to provide for the creation, organization and classification of new counties, for locating the county seats, for the election and appointment of officers, for the adjustment and fulfillment of the rights and obligations arising between such new counties and other counties, and providing penalties for the violation thereof' as amended by Chapter 133 of the Session Laws of the Thirteenth Legislative Assembly of 1913, entitled 'An Act to amend Sections 1, 2, 3 and 4 and re-enacting Sections 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17 of Chapter 112 of the Session Laws of the Twelfth Legislative Assembly of 1911, entitled 'An Act to provide for the creation, organization and classification of new counties, for locating the county seats, for the election and appointment of officers, for the adjustment and fulfillment of the rights and obligations arising between such new counties and other counties, and providing penalties for the violation thereof' approved March 21st, 1913, and to repeal Chapter 133 of the Session Laws of the Thirteenth Legislative Assembly of 1913, entitled 'An Act to amend Sections 1, 2, 3 and 4 and re-enact Sections 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17 of Chapter 112 of the Session Laws of the Twelfth Legislative Assembly of 1911, entitled, 'An Act to provide for the creation, organization and classification of new counties, for locating the county seats, for the election and appointment of officers, for the adjustment and fulfillment of the rights and obligations arising between such new counties and other counties, and providing penalties for the violation thereof' approved March 21st, 1913."

Be it enacted by the Legislative Assembly of the State of Montana:

Repealing Chap. 112 of Laws of 1911 as amended by Chap. 133 of the Laws of 1913.

Section 1. That Chapter 112 of the Session Laws of the Twelfth Legislative Assembly of 1911, being an Act entitled, "An Act to provide for the creation, organization and classification of new counties, for locating the county seats, for the election and appointment of officers, for the adjustment and fulfillment of the rights and obligations arising between such new counties and other counties, and providing penalties for the violation thereof" as amended by Chapter 133 of the Session Laws of the Thirteenth Legislative Assembly of 1913, being an Act entitled "An Act to amend Sections 1, 2. 3 and 4 re-enacting Sections 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16

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and 17 of Chapter 112 of the Session Laws of the Twelfth Legislative Assembly of 1911, entitled 'An Act to provide for the creation, organization and classification of new counties, for locating the county seats, for the election and appointment of offficers, for the adjustment and fulfillment of the rights and obligations arising from such new counties and other counties, and providing penalties for the violation thereof' " approved March 21st, 1913, be, and the same is hereby repealed.

Repealing Chap. 133 of the Laws of 1913.

Section 2. That Chapter 133 of the Session Laws of the Thirteenth Legislative Assembly of 1913, being an Act entitled "An Act to amend Sections 1, 2, 3 and 4 and re-enacting Sections 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17 of Chapter 112 of the Session Laws of the Twelfth Legislative Assembly of 1911, entitled 'An Act to provide for the creation, organization and classification of new counties, for locating the county seats, for the election and appointment of officers, for the adjustment and fulfillment of the rights and obligations arising between such new counties and other counties, and providing penalties for the violation thereof' " approved March 21st, 1913, be and the same is hereby repealed.

Act to take effect when.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1915.

CHAPTER 54.

"An Act to amend Section 1 of Chapter 109 of Montana Session Laws of 1913 relating to authorizing the Board of County Commissioners in each county to appropriate money out of the general fund of the county treasury for the purpose of paying part salary and expenses of a county agricultural instructor."

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Sec. 1 of Chap. 109, Laws of 1913.

Section 1. That Section 1 of Chapter 109 of the Laws of 1913 be, and the same is hereby amended so as to read as follows:

County commissioners may appropriate money to pay part of salary of county agriculturist.

Section 1. The County Commissioners of any county in the State of Montana may appropriate out of the general fund of the County Treasury One Hundred ($100.00) Dollars per month, for the purpose of paying part salary and expenses of a county agriculturist to be at the service of the farmers of that county, such sum as agreed upon to be paid monthly to the Treasurer of the Montana State College of Agriculture and Mechanic Arts to be applied to the salary and expenses of said

To be paid monthly to whom. How applied.

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County Agriculturist. The said County Agriculturist shall be nominated by and be under the control of the President of the Montana State College of Agriculture and Mechanic Arts, or under such agent or agents as he may appoint; such appointment, however, to be approved by the County Commissioners.

County agriculturist to be nominated by and under control of whom.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repeal of conflicting Acts.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved Mar. 3, 1915.

CHAPTER 55.

"An Act to prohibit the making, reporting or recording or registering of any bet or wager upon the result of any contest of speed or skill or endurance of animal or beast, providing penalties for the breach of the same, and repealing Chapter 92 of the Laws of the Eleventh Session of the Legislative Assembly of Montana."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. It shall be unlawful to make or report or record or register any bet or wager upon the result of any contest of speed or skill or endurance of animal or beast, whether such contest is held within or without the State of Montana.

Unlawful to report, record or register any bet upon horse racing.

Section 2. Any person who aids or abets in the commission of any of the acts herein declared to be unlawful, either by transmitting or communicating or transferring money or other thing of value, or information for the purpose of having bets or wagers made or reported or recorded or registered, shall be deemed a principal in the commission of such offense.

Who shall be deemed principals in betting on racing.

Section 3. Every person, or persons, violating any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than one hundred dollars or more than one thousand dollars, or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment.

Misdemeanor.

Penalty.

Section 4. Chapter 92 of the Laws of the Eleventh Session of the Legislative Assembly of Montana is hereby repealed and all Acts or parts of Acts in conflict herewith are hereby repealed.

Repealing Chap. 92, Laws of 1909.

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Declaration of the necessity of this Act.

Section 5. This Act is hereby declared to be necessary for the immediate preservation of the public peace, health and safety, and shall take effect from and after its passage and approval by the Governor.

Approved March 3, 1915.

CHAPTER 56.

"An Act to appropriate money for the purchase of Anti-Hog Cholera Serum, to be purchased by the Experimental Station of Montana Agricultural College for the purpose of distribution to any person so desiring to purchase the same in the State of Montana for the protection of the hog industry in the State of Montana, and directing how same shall be handled."

Be it enacted by the Legislative Assembly of the State of Montana:

Anti-hog cholera serum fund. Appropriation.

Section 1. That $2000.00 is hereby appropriated out of the general fund not otherwise appropriated for the purpose of buying anti-hog cholera serum, this money to be known as the Anti-Hog Cholera Serum Fund and to be used by the Experimental Station of Montana Agricultural College for the purpose of purchasing anti-hog cholera serum to be sold to hog growers or any one desiring to use anti-hog cholera serum in the State of Montana, upon request at a price not to exceed 25% more than cost to State to be determined by the Director of Experimental Station. All money so collected to be turned into the Anti-Hog Cholera Serum Fund and to be used for the purchase of additional anti-hog cholera serum or virus. The Experimental Station must purchase the most efficient and potent serum for the least possible cost and all serum or virus so purchased must be manufactured under a license issued by the United States Bureau of Animal Industry and must conform with all rules and regulations prescribed by the United States Bureau of Animal Industry and the Montana Livestock Sanitary Board.

Agricultural experiment station to purchase and sell.

Price.

Disposition of money collected.

Quality of serum to be purchased.

Conflicting Acts repealed.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act to be in force and effect from and after its passage and approval.

Approved March 3, 1915.

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CHAPTER 57.

"An Act to amend Section 6 of Chapter 113 of the Session Laws of the 13th Legislative Assembly, such Act entitled as follows: 'An Act to Create and Establish a Standard Sized Apple Box for the State of Montana; providing for the proper labeling and numbering of all apple boxes; and providing a penalty for the violation of this Act.''

Be it enacted by the Legislative Assembly of the State of Montana.

Section 1. That Section 6 of Chapter 113 of the Session Laws of the 13th Legislative Assembly be amended to read as follows:

When apple boxes marked "Standard" deemed to be misbranded.

Section 6. That boxes packed with apples and marked "Standard" shall be deemed to be misbranded within the meaning of this Act:

First. If the size of the box does not conform to the requirements of Section 1 of this Act;

Second. If the markings on the box do not conform to the markings required by Section 3 of this Act;

Third. If the size and condition of the apples does not conform to the requirements of Section 4 of this Act.

Grade of apples "Extra Fancy" defined.

Fourth. That the grade of apples contained in the box or boxes shall be as follows, to-wit: Extra-Fancy, Fancy, "C," and "D" grade. The Extra-Fancy grade shall consist of sound, smooth, well formed apples free from all insect pests, disease blemishes and physical injury, and all apples in this grade must show natural color and be characteristic of the variety. The color of apples in this grade shall be for solid red variety at least seventy per cent of good red color; for striped variety the apples must have at least forty-five per cent of red color with yellow back ground; for red cheek or blush variety the apples must have a distinctly colored cheek or blush, and in this grade no boxes shall contain more than 200 apples. The Fancy grade shall be composed only of apples having the same physical requirements as the Extra-Fancy, and be free from disease, blemishes, injury or defects as the Extra-Fancy, but may contain apples that are slightly limb rubbed or russeted. In solid red variety the Fancy grade must have at least thirty-five per cent of good natural color. Striped or partially red variety must have at least ten per cent of good red color; red cheek or blush variety must have correct physical qualities without requirements as to color and no box must contain more than 225 apples. The "C" grade shall be made up of merchantable apples not included in the Extra Fancy and Fancy grades and must be free from in-

Color.

Number contained in box.

"Fancy" grade defined.

Per cent of color.

Number in box.

"C" grade defined.

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sect pests, worm and physical injury, such as skin puncture, and must be free from rot. The requirements as to color shall be omitted in this grade, and no box shall contain more than 225 apples. The "D" grade shall consist and be made up of apples clean and free from disease and insect pests, ungraded as to size and color, and all requirements as to size and number shall be omitted in this grade; provided, however, that all apples in this grade must be at least two inches in diameter. All other apples offered for sale within the State of Montana and not marked as Extra-Fancy, "Fancy," "C" or "D" grade shall be culls, and shall be plainly stamped and marked as culls.

Color and number in box. "D" grade defined.

Size of "D" grade.

Culls.

Conflicting Acts repealed.

Section 2. All Acts or parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1915.

CHAPTER 58.

"An Act providing that any private corporation now organized and existing, or which may hereafter be organized under the laws of Montana, may classify its directors in respect to the time for which they shall severally hold office, and amending Sections 3830 and 3834 of the Revised Codes of Montana of 1907."

Private corporations.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Any private corporation, now organized and existing, or which may hereafter be organized under the laws of Montana, may, by making provision therefor in its by-laws as originally adopted, or as amended, classify its directors in respect to the time for which they shall severally hold office, the several classes to be elected for different terms, provided that no class shall be elected for a shorter period than one year, or for a longer period than three years, and that the term of office of at least one class shall expire each year. If the provision for such classification of directors is not made in the by-laws originally adopted, it may be incorporated in such by-laws by amendment, as other amendments to the by-laws may be legally made.

Classification of directors as to term of office

Terms to expire when.

By-Laws may be amended.

Section 2. Section 3830 of the Revised Codes of Montana of 1907, is hereby amended to read as follows:

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"Section 3830. Directors—Election of.—The directors must be, except as hereinafter provided, elected annually by the stockholders or members, and if no provision is made by the by-laws for the time of election, the election must be held on the first Tuesday in June. Notice of such election must be given, and the right to vote determined as provided in Section 3829; but by so providing in its by-laws as originally adopted, or as the same may be amended, any corporation organized under this Act, or heretofore organized under the laws of Montana, may classify its directors in respect to the time for which they shall severally hold office, the several classes to be elected for different terms, provided that no class shall be elected for a shorter period than one year, or for a longer period than three years, and that the term of office of at least one class shall expire each year.

Annual election of directors shall be held when

Notice of election.

Any corporation may classify its directors as to term of office

Length of term of office.

"Section 3. Section 3834 of the Revised Codes of Montana of 1907 is hereby amended to read as follows:

"Section 3834. Directors must be elected and by-laws adopted at first meeting. At the meeting at which the by-laws are adopted, or at such subsequent meeting as may be then designated, directors must be elected, and unless otherwise provided by the by-laws as originally adopted, or as amended, shall hold their offices for one year and until their successors are elected and qualified."

Directors to be elected when

Term of office.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Conflicting Acts repealed.

Section 5. This Act shall take effect from and after its passage and approval.

Approved Mar. 3, 1915.

CHAPTER 59.

"An Act fixing the time for the opening and closing of saloons in incorporated and unincorporated cities, towns, villages, and elsewhere, and providing penalties; and amending Chapter 96 of the Session Laws of the Twelfth Legislative Assembly, relating to the closing of saloons."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. It shall be unlawful for any person or persons, firm, or corporation engaged in the business of selling any kind or kinds of spirituous or malt liquors by the glass, or drink in any incorporated city, town, or village, or within one mile of the limits of any city of the first

Saloons in incorporated cities, towns, or villages.

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Hour of opening.

Hour of closing.

Shall be closed when.

class, to open such place of business for the sale of such liquor at an earlier hour than eight o'clock in the morning of each and any day; and no such person or persons, firm, or corporation shall sell or give away any such liquors in or about their respective places of business after the hour of twelve o'clock midnight of each or any day, and all such places of business shall be closed between the hours of twelve o'clock midnight and eight o'clock in the morning of each and every day.

Hours of opening and closing saloons outside of incorporated places.

Section 2. It shall be unlawful for any person, or persons, firm, or corporation engaged in the business of selling any kind or kinds of spirituous or malt liquors by the glass, or drink in any unincorporated city, town or village, or elsewhere, except within one mile of the limits of any city of the first class, to open such place of business for the sale of such liquor at any earlier hour than eight o'clock in the morning of each or any day, and no such person or persons, firm or corporation shall sell or give away any such liquors in or about their respective places of business after the hour of ten o'clock p. m., and all such places of business shall be closed between the hours of ten o'clock p. m. and eight o'clock a. m. of each and every day.

Shall remain closed during what hours.

Violation of Act a misdemeanor.

Penalty.

Servants, employers and agents.

Section 3. A violation of any of the provisions of this Act shall be deemed a misdemeanor and upon conviction, the offender shall be punished by a fine of not less than fifty dollars and not exceeding two hundred fifty dollars, and persons acting as servants, employes, or agents shall be severally liable in the same manner as their employers or principals.

Added Penalty upon second conviction

Third conviction deprives party from ever engaging in business in this state.

Section 4. Any person convicted a second time for a violation of the provisions of this Act shall, in addition to the penalty named in Section 3 of this Act, be prohibited from the conduct of such business for a period of three months from the day of such conviction, and his county license shall be revoked. And any person convicted a third time for a violation of the provisions of this Act shall, in addition to the penalty prescribed in Section 3 hereof, be forever barred from applying for, obtaining or holding a retail liquor license within the State of Montana.

Conflicting Acts repealed.

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 6. This Act shall take effect and be in force from and after April 1st, 1915.

Approved March 3rd, 1915.

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CHAPTER 60.

"An Act making it unlawful for any person or persons to have in their possession or under their control seines, nets, or similar devices for capturing fish, with certain exceptions thereto; providing a penalty for the violation thereof; and repealing all acts and parts of Acts in conflict therewith."

Be it enacted by the Legislative Assembly of the State of Montana:

Unlawful to have in possession any seine, net, etc., for capturing fish.

Section 1. It is unlawful for any person or persons to have in their possession or under their control any seine, net, or other similar device for capturing fish. A seine or net found in any vehicle, at the camp, or on the premises of any person shall be prima facie evidence that the said seine, net, or similar device belongs to the person or persons in possession of such vehicle, or the person or persons occupying said camp or premises; provided, that nothing herein contained shall apply to the owners of private fish ponds as defined under the statute, nor to a person or persons having an unexpired seine or net license as provided for in the Statutes of Montana; provided, further, that nothing herein contained shall apply to the use, by any person, of a landing net used in connection or in addition to pole, line and hooks, in fishing for game fish.

Possession in vehicle, camp or premises prima facie evidence.

Not to apply to owners of private fish ponds, etc.

Not to apply to landing nets.

Misdemeanor

Penalty.

Section 2. Any person or persons convicted for a violation of this Act shall be deemed guilty of a misdemeanor and punished by a fine of not less than Twenty-five Dollars ($25.00) and such seine, net, or similar device shall be confiscated and destroyed after conviction of the defendant by the officer making arrest of such defendant or defendants.

Conflicting Acts repealed.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 3d, 1915.

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CHAPTER 61.

"An Act to amend Section 3742, of the Revised Codes, of 1907, of the State of Montana, and equally entitling the father and mother to the care, custody, and services of legitimate unmarried minor children."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3742 of the Revised Codes, of the State of Montana, be and the same is hereby amended to read as follows:

Father and mother have equal rights to custody and earnings of child.

Section 3742. "The father and mother of a legitimate, unmarried, minor child are equally entitled to its custody, services and earnings. If either parent be dead, or unable, or refuse to take the custody, or has abandoned his or her family, the other is entitled to its custody, services, and earnings."

Conflicting Acts repealed.

Section 2. That all Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1915.

CHAPTER 62.

"An Act to amend Section 2851 of the Revised Codes of 1907, relating to the removal of county seats."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2851 of the Revised Codes of 1907, be and the same is hereby amended so as to read as follows:

Removing county seat.

Section 2851. Whenever the inhabitants of any county of the State desire to remove the County Seat of the County from the place where it is fixed by law or otherwise to another place, they may present a petition to the Board of County Commissioners of their County, praying such removal, such place to be named in the petition and that an election be held to determine whether or not such removal must be made. The city or town named in said petition as the place to which the county seat is to be removed, must, at the time of the presentation of the said petition, have been an incorporated city or town for at least one year.

Petition to be presented to Board of County Commissioners.

Must be to a city or town incorporated at time.

Conflicting Acts repealed.

Section 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 3. This Act shall take effect and be in force from and after its passage and approval.

Approved March 3, 1915.

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CHAPTER 63.

"An Act to amend Sections 4017 and 4018, of the Revised Codes of Montana, 1907, pertaining to the license fees of insurance corporations, associations and societies, and allowing deductions to be made, where any company has fifty per cent of its capital invested in Montana securities."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4017 of the 1907 Revised Codes of the State of Montana be, and the same is, hereby amended to read as follows:

"Section 4017. All insurance corporations, associations and societies, as hereinbefore specified in the preceding section, before commencing to do business in the State of Montana, shall be required to secure a license, authorizing them to transact business of insurance corporations, associations or societies, and shall pay to the State Auditor, for such license, the following fees:

License required of insurance companies and corporations.

For a license to collect in any one year premiums amounting to Five Thousand Dollars or less, One Hundred and Twenty-five Dollars.

Fees.

For a license to collect in any one year premiums over the sum of Five Thousand Dollars, the sum of Twenty Dollars for each and every One Thousand Dollars to be so collected; provided that, where any insurance corporation, association or society has fifty per cent of its capital stock invested in Montana securities, such insurance corporation, association or society shall be allowed to deduct whatever tax it may have already paid, from the amount due for such license fee or tax, as herein provided.

Deductions to be made where fifty per cent of company's stock is invested in state.

Section 2. That Section 4018 of 1907, Revised Codes of Montana, be and the same is, hereby amended to read as follows:

"Section 4018. The State Auditor, upon the payment of the fees enumerated in the preceding section, or, after the deductions have been made, as above provided for, shall issue, in duplicate, a license, as therein provided, a copy of which shall be forthwith filed in the office of the State officer having jurisdiction over and charge of the enforcement of the laws of the State of Montana pertaining to insurance corporations."

State Auditor to issue license in duplicate.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Conflicting Acts repealed.

Section 4. This Act shall take effect and be in force from and after its passage and approval.

Approved March 4, 1915.

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CHAPTER 64.

"An Act providing a method for the assessment and taxation of all insurance companies organized under the laws of the State of Montana, and providing upon what property insurance companies shall be assessed and taxed, and allowing certain deductions."

Be it enacted by the Legislative Assembly of the State of Montana:

Taxation of property of insurance companies organized under laws of this state.

Section 1. Every insurance company organized under the laws of the State of Montana shall be assessed and taxed upon its real estate and personal property at the same rate and in the same manner as other property is assessed and taxed in this State.

Computing taxable property of.

Section 2. In computing the taxable property of insurance companies organized under the laws of this State there shall be deducted therefrom the value of the real property on which the company pays taxes, such real estate being assessed to the company as other real estate; also the legal reserve required by the laws of this State, or by the Insurance Department thereof, for the protection of policy holders; also all assets not admitted as such by the State, or by the Insurance Department thereof; also such debts and liabilities as may be due or owing by such company.

Conflicting Acts repealed.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall take effect and be in force from and after its passage and approval.

Approved March 4, 1915.

CHAPTER 65.

"An Act to amend Chapter 73 of the Laws of the Thirteenth Legislative Assembly of the State of Montana, relating to the registration, identification and regulation of motor vehicles, by the amendment of Section 3 of said Chapter 73, so as to regulate the size and character of identification marks and number plates for motor vehicles, and by the addition of a new section to be known and designated as Section 11a, providing for the expiration of registrations of motor vehicles annually and for the renewal thereof."

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Sec. 3, Chapter 73, Laws 1913.

Section 1. That Section 3 of Chapter 73 of the Laws of the Thirteenth Legislative Assembly of the State of Montana, be, and the same is hereby amended so as to read as follows:

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"Section 3. That every motor vehicle, registered in accordance with the provisions of this Act, shall have the distinctive number and registration mark assigned to it by the Secretary of State, as hereinbefore provided, displayed on the front and rear of such motor vehicle, as an identification mark, securely fastened, so as not to swing, and it is further provided, that such distinctive number as an identification mark shall consist of a metal plate not less than six inches wide and not less than fifteen inches long, upon the face of which shall appear the distinctive number assigned such motor vehicle by the Secretary of State, the numerals of which shall not be less than four inches long nor each stroke less than one-half inch in width. Such number to be followed on the plate by the letters "Mon" and the number of the year for which such plate is issued. The color of the background numerals and lettering upon such plate shall be designated each year by the Secretary of State."

Registered motor vehicles to have its registration number displayed both on the front and rear.

Such number or mark shall consist of what.

The letters "Mon" and year shall also be on plate.

Section 2. There shall be, and hereby is, added to Chapter 73 of the laws of the Thirteenth Legislative Assembly, a new section to be designated Section 11a, which shall read as follows:

Adding section to chapter.

"Section 11a. All registrations under this Act shall expire on the thirty-first day of March of each year, and shall be renewed annually in the same manner and upon the payment of the same fee provided in this Act for original registrations, such renewals to take effect on the first day of April of each year."

Registrations to expire when.

Annual renewals.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Conflicting Acts repealed.

Section 4. This Act shall be in force and effect from and after its passage and approval.

Approved March 4th, 1915.

CHAPTER 66.

"An Act directing the State Board of Land Commissioners to permit counties, or subdivisions thereof, road districts, and other persons desiring to construct public roads or highways, to have the free right to remove or use all timber, stone, dirt, and gravel from the public lands owned, controlled, and held by the State of Montana."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The State Board of Land Commissioners of the State of Montana is hereby authorized and directed, in its discretion, to permit any counties, or subdivisions

Timbers and other materials on state lands may be granted free of charge for public roads.

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thereof, road districts, or other persons desiring to construct public roads or highways, to remove and use, if desired, from the public lands owned, controlled, or held by the State, without payment or charge, all timber, stone, dirt, and gravel necessary for the construction or maintenance of any public highways within the State.

Conflicting Acts repealed.

Section 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 5, 1915.

CHAPTER 67.

"An Act to repeal Chapter 75, Session Laws of the Thirteenth Legislative Assembly of the State of Montana, which said Act to be repealed has the following title, to-wit: 'An Act to create and appoint a State Tax Commission, to define the powers and duties thereof, to provide for the appointment of county boards of appraisers, to define the powers and duties thereof; to provide for the appraisement of all property in the State by said State Tax Commission and County Boards of Appraisers, to provide for the enforcement of its provisions, and to punish violations thereof, and to appropriate funds to carry this Act into effect.' "

Be it enacted by the Legislative Assembly of the State of Montana:

Repealing Chapter 75 of Laws of 1913.

Section 1. That Chapter Seventy-five (75) of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana, which said Act Seventy-five (75) has the following title, to-wit: "An Act to create and appoint a State Tax Commission, to define the powers and duties thereof, to provide for the appointment of County Boards of Appraisers, to define the powers and duties thereof; to provide for the appraisement of all property in the State by said Tax Commission and County Boards of Appraisers, to provide for the enforcement of its provisions, and to punish violations thereof, and to appropriate funds to carry this Act into effect," is hereby expressly repealed.

Conflicting Acts repealed.

Section 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

To take effect when.

Section 3. This repealing Act shall be in full force and effect sixty days after its passage and approval.

Approved March 5, 1915.

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CHAPTER 68.

"An Act fixing the time for the opening and closing of saloons on Sundays in incorporated and unincorporated cities, villages, towns, and elsewhere; and providing penalties."

Be it enacted by the Legislative Assembly of the State of Montana:

Saloons in incorporated cities, towns or villages, or within one mile of cities of the first class shall be closed during what hours.

Section 1. That it shall be unlawful for any person or persons, firm, or corporation engaged in the business of selling any kind or kinds of spirituous or malt liquors by the glass or drink in any incorporated city, town or village, or within one mile of the limits of any city of the first class, to open such place of business, or allow such place of business to remain open, for the sale of liquor between the hours of twelve o'clock midnight of each and every Saturday night and the hour of one o'clock p. m. of each and every Sunday, and no such person or persons, firm, or corporation shall sell or give away any liquors in or about their respective places of business on Sunday between the hours aforesaid, and all such places of business shall be and remain closed on Sunday between the hours aforesaid, and during the hours when said places are closed the curtains and screens of the doors and windows shall be open and notice shall be placed upon the front door that such place is closed.

Closed Sunday until 1 o'clock p. m.

No liquors to be disposed of.

Curtains and screen doors to be open and sign on front door.

Saloons, excepting those within one mile of the limits of a city of the first class, shall not open before 8 o'clock a. m. each day.

Section 2. It shall be unlawful for any person or persons, firm or corporation engaged in the business of selling any kind or kinds of spirituous or malt liquors by the glass or drink in any *[un-] incorporated city, town, or village, or elsewhere, except within one mile of the limits of any city of the first class ,to open such place of business for the sale of such liquor at any earlier hour than eight o'clock in the morning of each or any day, and no such person or persons, firm or corporation shall sell or give away any liquors in or about their respective places of business between the hours of ten o'clock p. m. on Saturday night and one o'clock p. m. of the following Sunday, and all such places of business shall be and remain closed between the hours of ten o'clock p. m. on Saturday night and of the following Sunday.

Shall not sell or dispose of liquor at saloon between 10 o'clock p. m. Saturday and 1 o'clock p. m. Sunday.

A violation of this Act a misdemeanor. Penalty.

Section 3. A violation of any of the provisions of this Act shall be deemed a misdemeanor, and upon conviction the offender shall be punished by a fine of not less than Fifty Dollars ($50.00) and not exceeding Two Hundred Fifty Dollars ($250.00); and persons acting as servants, employes, or agents shall be severally liable in the same manner as their employers or principals.

*(Note by the Secretary of State: The word here intended to be used, as appears in the bill as originally drawn by the introducer thereof, was unincorporated. The use of the word incorporated is evidently inadvertent.)

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Additional penalty upon second violation of this Act.

Section 4. Any person convicted a second time for a violation of the provisions of this Act shall, in addition to the penalty named in Section 3 of this Act, be prohibited from the conduct of such business for a period of three months from the day of such conviction; and any person convicted a third time for a violation of the provisions of this Act shall, in addition to the penalty prescribed in Section 3 hereof, be forever barred from applying for, obtaining, or holding a retail liquor license within the State of Montana.

A third violation of this Act forfeits right to conduct a saloon business in this state forever.

Conflicting Acts repealed.

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 6. This Act shall take effect and be in full force from and after the first day of April, 1915.

Approved March 5, 1915.

CHAPTER 69.

"An Act prohibiting pooling in buying, selling, or handling grain, and providing penalties for the violation thereof."

Be it enacted by the Legislative Assembly of the State of Montana:

Public warehousemen forbidden to enter into any agreement or combination regarding the amount of grains to be received, profits equalized or price to be paid.

Section 1. It shall be unlawful for any person, firm, or corporation engaged in the buying, selling, or handling of grain in any public local warehouse in this State, or for the local agent in charge of such warehouse, or any other agent of the person, firm, or corporation operating the same, to enter into any contract, agreement, combination, or understanding with any other person, firm, or corporation, owning or operating any other public local warehouse at any railway station, their agent or agents, whereby the amount of grain to be received or handled by said warehouses at such station or stations, shall be equalized or pooled between said warehouses, or whereby the profits or earnings derived from said warehouses shall be divided or pooled or apportioned in any manner, or whereby the price to be paid for any kind of grain, at such station, shall be fixed or in any manner affected; and each day of the continuance of any such agreement, contract, or understanding shall constitute a separate offense.

Any violation of Act a misdemeanor.

Penalty.

Section 2. Any person, firm, or corporation, or any agent of any person, firm, or corporation, who shall violate the provisions of this Act shall be guilty of a misdemeanor and shall be punished by a fine of not less than Fifty Dollars or more than Three Hundred Dollars, or by imprisonment in the county jail for not less than

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thirty days or more than six months, or by both such fine and imprisonment. It shall be the duty of the court before whom a conviction is had to, within ten days after judgment of conviction is rendered, forward a certified copy of said judgment of conviction to the Chief Grain Inspector; and it is hereby made the duty of the Chief Grain Inspector to revoke and annul any license heretofore issued to such person; and in such case no new license shall be granted to the person whose license is revoked, nor to any one either directly or indirectly engaged with him in said business, for a period of one year.

Court to forward certified copy of judgment to the Chief Grain Inspector.

Duty of Chief Grain Inspector.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Conflicting Acts repealed.

Section 4. This Act shall take effect from and after its passage and approval.

Approved March 5, 1915.

CHAPTER 70.

"An Act to amend Section 2973 of the Revised Codes of the State of Montana of 1907, having to do with the classification of Counties."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2973 of the Revised Codes of the State of Montana of 1907 be, and the same is hereby, amended so as to read as follows:

Amending Section 2973 of Revised Codes.

"Section 2973. For the purpose of regulating the compensation and salaries of all county officers, not otherwise provided for, and for fixing the penalties of officers' bonds. The several counties of this State shall be classified according to the assessed valuation thereof, as follows:

Classification of counties.

First Class. All counties having an assessed valuation of thirty-five million of dollars or over.

Second Class. All counties having an assessed valuation of more than twenty and less than thirty-five million of dollars.

Third Class. All counties having an assessed valuation of more than fifteen and less than twenty million of dollars.

Fourth Class. All counties having an assessed valuation of more than eleven and less than fifteen million of dollars.

Fifth Class. All counties having an assessed valuation of more than eight and less than eleven million of dollars.

Sixth Class. All counties having an assessed valuation of more than five and less than eight million of dollars.

Seventh Class. All counties having an assessed valua-

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tion of more than three and less than five million of dollars.

Eighth Class. All counties having an assessed valuation of less than three million of dollars.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 5th, 1915.

CHAPTER 71.

"An Act to regulate the issuance of bonds for public warehousemen in accordance with the provisions of the Laws of Montana in relation thereto, and providing penalties in relation thereto."

Be it enacted by the Legislative Assembly of the State of Montana:

Fixing Maximum charges for furnishing legal bonds for public warehousemen.

Section 1. Hereafter it shall be unlawful for any firm, co-partnership, or corporation, whether incorporated within the State of Montana or not, transacting business in this State as a surety and fidelity company, to exact, charge for, or receive any greater rate of premium for any bond, contract, recognizance, stipulation, or undertaking required and issued under the provisions of the laws of Montana for public warehousemen, than the sum of two dollars for each one thousand dollars of said bond contract, recognizance, or undertaking.

State Insurance Commissioner cannot authorize large premiums.

Section 2. The State Insurance Commissioner of the State of Montana is hereby prohibited from authorizing any surety and fidelity company to exact or charge a greater premium than in the Act provided.

Conflicting Acts repealed.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in force from and after its passage and approval.

Approved March 5, 1915.

CHAPTER 72.

"An Act to fix the salaries of County Superintendents of Schools in counties of the seventh and eighth class at the sum of Twelve Hundred Dollars ($1,200.00) per annum."

Be it enacted by the Legislative Assembly of the State of Montana:

Salary of County Superintendent in counties of the seventh and eighth class.

Section 1. That in all counties of the seventh and eighth classes the County Superintendent of Schools shall be paid salaries of Twelve Hundred Dollars ($1,200.00) per annum.

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Section 2. That all Acts and parts of Acts contrary to the provisions of this Act are hereby repealed. Repealing clause.

Section 3. That this Act shall be in force and effect on and after the first Monday in January, A. D. 1917. Act to take effect when.

Approved March 5th, 1915.

CHAPTER 73.

"An Act to amend Section 3 of Chapter 84 of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana, and fixing the fees to be paid by incorporated cities and towns and by school districts of the first and second class into the fund known in the law as the 'State Examiners' Fund.' "

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3 of Chapter 84 of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana, be and the same is hereby amended to read as follows: Amending Sec. 3 Chapter 84, Laws of 1913.

"Section 3. Cities and towns shall pay into the fund known in the law as the "State Examiners' Fund," on or before the first day of November of each year the following amounts:" Amounts cities and towns shall pay into the "State Examiner's Fund."

Cities of the first class	$150.00
Cities of the second class	$100.00
Cities of the third class	$ 50.00
Towns having a population of 700 or more	$ 25.00
Towns having a population of less than 700	$ 10.00

The State Examiner shall examine the books and accounts of the school districts of the first and second class upon receiving a request signed by a majority of the board of trustees of such district; said school districts upon making a request for such examination shall pay into the State Examiners' Fund the following amounts: State Examiner to examine books and accounts of certain School Districts when. Amounts to be paid by such districts.

School districts of the first class	$100.00
School districts of the second class	$ 25.00

Section 2. All Acts and parts of Acts contrary to the provisions of this Act are hereby repealed. Conflicting Acts repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5th, 1915.

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CHAPTER 74.

"An Act changing and defining the boundaries of Sweet Grass and Stillwater Counties."

Be it enacted by the Legislative Assembly of the State of Montana:

Territory withdrawn from Stillwater County and annexed to Sweet Grass County.

Section 1. That there is hereby withdrawn from the territory of the County of Stillwater, Montana, of which it is now a part and annexed to and made a part of the County of Sweet Grass, Montana, the following described territory, to-wit: Sections five (5), six (6), seven (7), eight (8), seventeen (17), eighteen (18), nineteen (19), twenty (20), twenty-nine (29), thirty (30), thirty-one (31), thirty-two (32) of Township Two (2) and also Townships Three (3) and Four (4) North of Range Eighteen (18) East of Montana Principal Meridian.

Territory withdrawn from Sweet Grass County and annexed to Stillwater County.

That there is hereby withdrawn from the territory of the County of Sweet Glass, Montana, of which it is now a part and annexed to and made a part of the County of Stillwater, Montana, the following described territory, to-wit: Unsurveyed Townships six (6) and seven (7) South of Range Fifteen (15) East and Unsurveyed Townships six (6) and seven (7) South of Range Fourteen (14) East as the same will appear after official survey, the said townships lying and being situated at present in the extreme southeast corner of Sweet Grass County.

Boundaries of Stillwater County changed and defined.

Section 2. The boundaries of Stillwater County are hereby so changed and defined as to exclude from the limits of said Stillwater County the territory first mentioned and described in Section One hereof hereby annexed to Sweet Grass County and the boundaries of said Sweet Grass County are so changed and defined as to include within the limits of said Stillwater County the territory so annexed to it and so as to exclude from the limits of said Sweet Grass County the territory mentioned and described in Section 1 hereof, which is hereby annexed and made a part of Stillwater County; and that otherwise the boundaries of said respective counties shall be and remain the same as heretofore.

Boundaries of Sweet Grass County changed and defined.

Indebtedness of the two counties to be ascertained and apportioned, how.

Section 3. That the net indebtedness of Sweet Grass County and of Stillwater County as the same shall exist on the date of the approval of this Act shall be first ascertained by deducting from the total indebtedness of each of said counties on said date the amount of all moneys on hand and the amount of all moneys, belonging to each of said counties and said net indebtedness shall be apportioned between said County of Stillwater and said County of Sweet Grass by apportioning to Sweet Grass County such part thereof as the amount of taxable prop-

To Sweet Grass County.

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erty in the territory hereby annexed to Sweet Grass bears to the entire amount of taxable property in Stillwater County including that in the territory so annexed to Sweet Grass County; and by apportioning to Stillwater County such proportion of the indebtedness as the amount of taxable property in the territory hereby annexed to Stillwater County bears to the entire amount of taxable property in Sweet Grass County including that in the territory so annexed to Stillwater County. Said amount of indebtedness shall be ascertained and apportioned by a commission consisting of the Chairman of the Board of County Commissioners of Sweet Grass County and Chairman of the Board of County Commissioners of Stillwater County together with the Judge of the Sixth Judicial District of the State of Montana, which said commission shall meet at the Court House in the City of Big Timber on or before the 20th day of March, 1915, and shall take as the standard for said apportionment of said indebtedness the assessment for the year 1914 as fixed and determined by the Boards of Equalization of Sweet Grass and Stillwater Counties.

To Stillwater County.

Commissioners who shall apportion indebtedness of the Counties.

Shall meet, when and where.

Section 4. That upon adjustment of said indebtedness it shall be the duty of the county commissioners of the county which is found to be indebted to the other in consequence of the exchange of territory herein provided for, to cause to be made out, issued and delivered to the county commissioners of the county sustaining loss in consequence of such exchange of territory and apportionment, bonds or warrants for the amount found to be due in accordance with the findings and report of such commission. In the event that county warrants are issued, if the same are not paid immediately upon presentation they shall be endorsed by the County Treasurer of the county obligated "Not paid for want of funds" and shall thereafter draw interest as other county warrants.

How ascertained indebtedness to be paid.

Interest on warrants if not paid when presented.

Section 5. It is hereby made the duty of the County Treasurer of Stillwater County to transfer and pay over on or before the first day of June, 1915, all moneys in said Stillwater County to the credit of school districts embraced within the limits of the territory hereby taken from said County of Stillwater and included in the County of Sweet Grass, which said moneys so transferred shall be held by the County of Sweet Grass to the credit and for the use of the same school districts as they formerly existed. It is hereby made the duty of the County Treasurer of Sweet Grass County to transfer and pay over on or before the first day of June, 1915, all moneys in said Sweet Grass County to the credit of the school districts embraced within the territory hereby taken from said

Transfer of school monies belonging to districts in transferred territory.

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County of Sweet Grass and included within the County of Stillwater which said moneys so transferred shall be held by the County of Stillwater to the credit and for the use of the same school districts as they formerly existed.

Compensation to the Judge of the Sixth Judicial District for services herein required.

Section 6. That the Judge of the Sixth Judicial District for the State of Montana, for his services in acting upon said commission, shall receive in addition to his salary as fixed by law, the sum of Twenty (20) Dollars per day for the time that he shall actually be employed in the work of said commission and also his necessary traveling expenses, which shall be paid as may be directed by said commission by either the County of Sweet Grass or the County of Stillwater, or in part by each of said counties upon presentation of verified claims to the Board of County Commissioners required to pay such expenses.

How paid.

Conflicting Acts repealed.

Section 7. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 8. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1915.

CHAPTER 75.

"An Act to amend Section 1, of Chapter 33 of the Session Laws of the Thirteenth Legislative Assembly, the said Chapter 33 being an Act relating to the killing of elk and other game and fixing an open season for the killing of elk, and to extend the open season for the killing of elk."

Be it enacted by the Legislative Assembly of the State of Montana:

Closed season for killing Elk.

Section 1. That any person who between the fifteenth day of December and the first day of October of the following year, wilfully shoots or kills or causes to be shot or killed any elk, or who in a single open season shall shoot, kill or cause to be shot or killed more than one elk, shall be punished by imprisonment in the county jail for a period of not less than three months nor more than twelve months, or by a fine of not less than One Hundred ($100.00) Dollars, nor more than One Thousand ($1000.00) Dollars, or by both such fine and imprisonment.

Permitted to kill but one elk per season.

Penalty.

Conflicting Acts repealed.

Section 2. That all Acts and parts of Acts contrary to the provisions of this Act are hereby repealed.

Section 3. That this Act shall be in full force and effect from and after its passage and approval.

Approved March 5th, 1915.

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CHAPTER 76.

"An Act to amend Section 2 of Chapter 33 of the Session Laws of the Thirteenth Legislative Assembly, said Chapter 33 being 'An Act to amend Section 8784 of the Revised Codes of Montana, 1907, as amended by Chapter 81, Session Laws of 1909, relating to the killing of Elk, Rocky Mountain goats, and Rocky Mountain Sheep, and fixing the open season thereof, and providing for a closed season on elk in certain counties and parts of counties in Montana until October First, 1918, and defining the sex and age of Rocky Mountain sheep that may lawfully be killed during the open season, and providing penalties for the violation thereof,' and to provide a closed season for Rocky Mountain goats and Rocky Mountain sheep until October First, 1918, and providing penalties therefor."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2, Chapter 33, Laws of the Thirteenth Legislative Assembly of the State of Montana, be and the same is hereby amended to read as follows:

"Section 2. Any person who willfully shoots, wounds, or kills, or causes to be shot, wounded, or killed, any elk before the first day of October Nineteen Hundred and Eighteen, upon conviction thereof shall be punished by a fine of not less than Five Hundred Dollars ($500.00) nor more than One Thousand Dollars ($1,000.00), or by imprisonment in the county jail of not less than six months nor more than one year, or by both such fine and imprisonment; provided, however, that the provisions of this section shall not apply and be in force during the open season in the following counties and parts of counties in this State: Sweetgrass, Stillwater, Park, Gallatin, Madison, Teton, and Flathead; and that portion of Beaverhead County lying east of the Oregon Short Line Railroad between the point on said railroad near Willis Post-office where said railroad enters said Beaverhead County on the north, and the town of Monida in said county, lying south of the Gillmore and Pittsburg Railroad, and also those portions of Powell County lying west of the North Fork of the Big Blackfoot River, and North of the main Big Blackfoot River, west of the confluence of the two streams, and also all that portion of said county drained by the waters of the South Fork of the Flathead River, and those portions of Missoula County lying east of Belmont Creek from its source, and north of the Big Blackfoot River, east of the confluence of the two streams; and also all that portion of said county drained by the waters of Swan River."

Killing of Elk before October 1st, 1918 forbidden.

Penalty.

Section not to apply to counties named during open season.

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Unlawful to kill Rocky Mountain sheep or goat before October 1, 1918.

Section 2. That it shall be unlawful to kill or capture, at any place in Montana, any Rocky Mountain Sheep or Rocky Mountain Goat before the said first day of October, 1918. Any person who violates the provisions of this Section shall be punished by the payment of a fine of not less than Two Hundred ($200.00) Dollars nor more than One Thousand ($1000.00) Dollars.

Penalty.

Conflicting Acts repealed.

Section 3. That all Acts and parts of Acts contrary to the provisions of this Act are hereby repealed.

Section 4. That this Act shall be in full force and effect from and after its passage and approval.

Approved March 5th, 1915.

CHAPTER 77.

"An Act to amend Sections 196, 198, and 199, Revised Codes of 1907, relating to the salaries of the Assistant Attorneys General, and stenographers employed in the office of the Attorney General, and fixing their salaries."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Sections 196, 198, and 199, Revised Codes of Montana of 1907, be, and the same are hereby amended so as to read as follows:

Number of Assistant Attorney Generals to be appointed.

Salary and term of office.

Section 196. The Attorney General of the State of Montana is hereby authorized to appoint three Assistant Attorneys General, who shall receive as salary the sum of Three Thousand Dollars ($3000.00) per annum, and shall hold such appointments during the pleasure of the Attorney General making such appointments.

Law Clerk and Stenographer to Att'y General, salary.

Section 198. The Attorney General is hereby authorized to appoint a Law Clerk and Stenographer, who shall receive as salary the sum of Two Thousand One Hundred Dollars ($2100.00) per annum, and shall hold such appointment during the pleasure of the Attorney General making such appointment.

Additional Stenographer.

Salary.

Section 199. The Attorney General is hereby authorized to appoint an additional Stenographer at a salary of Twelve Hundred Dollars ($1200.00) per annum, when in his judgment the work devolving upon his office and the public service seem to require such appointment.

Conflicting Acts repealed.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1915.

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CHAPTER 78.

"An Act to amend Section 194, Revised Codes of 1907, relating to the salary of the Attorney General."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 194 of the Revised Codes of Montana of 1907 be, and the same is hereby amended so as to read as follows:

Salary of Attorney General.

Section 194. The annual salary of the Attorney General of the State of Montana, to include all services rendered ex-officio as member of any board or commission, as now required, or which may be hereafter devolved upon him by law, is Four Thousand Five Hundred Dollars ($4,500.00).

Repealing clause.

Section 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1915.

CHAPTER 79.

"An Act to amend Section 8555 of the Revised Codes of the State of Montana of 1907 relative to the sale of liquors at retail within five miles of grading and other camps."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 8555 of the Revised Codes of the State of Montana of 1907 be amended, so as to read as follows:

Retail liquor business within five miles of named places forbidden.

Section 8555. Selling liquor at retail within five miles of grading camps prohibited: Every person who sells, furnishes or gives away any spirituous or malt liquors, wine or cider, or any beverage containing any intoxicating liquors, within five miles of any railroad grade, irrigating ditch, canal or other public works under the course of construction, or on any railroad grade on which track is being laid, or within five miles of any logging camp, sawmill, mine, stone quarry, or sheep shearing camp in operation is punishable by imprisonment in the county jail not exceeding sixty days, or a fine not exceeding one hundred (100.00) dollars or by both such fine and imprisonment.

Penalty.

Places excepted from Act.

The provisions of this Section do not apply to the selling, furnishing or giving away intoxicating liquors, wine or cider within the limits of any town or city, provided, that the word "town" or "city" within the meaning of this section shall include all places and only such places as

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have a bona fide permanent population of not less than fifty persons over the age of twenty-one years residing within the territory not exceeding one mile square and excluding from such enumeration all persons who have not resided at least one year in such place, and also excluding all employees, owners or agents engaged in any of the above named business; Provided, that the provisions of this section shall not apply to any person previously engaged in selling intoxicating liquors at a fixed place of business, established two years prior to the beginning of work in or upon, or the erection of construction, or operation of any of the things enumerated in this Act, or to his assigns.

Persons excluded from provisions of Act.

Repealing clause.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall take effect from and after its passage and approval.

Approved March 5, 1915.

CHAPTER 80.

"An Act limiting the number of social clubs wherein liquors are kept or disposed of within the State of Montana and providing penalties for the violation thereof."

Be it enacted by the Legislative Assembly of the State of Montana:

Social clubs forbidden to sell or give away intoxicating liquors except within certain incorporated cities.

Limiting number of clubs to one for each 3,000 inhabitants.

Limiting number of clubs in any one city.

Excepting from Act existin clubs.

Section 1. From and after the passage of this Act, it shall be unlawful for any club organized for social or literary purposes whether incorporated or unincorporated, to barter, sell, give away or dispose of in any manner, either to members of such social club, members' guests, or to any other person, any intoxicating liquors or beverages of any kind or character; provided, that this shall not be construed as prohibiting not to exceed one such incorporated social club for every 3000 inhabitants located within the jurisdiction of an incorporated city or town from selling and disposing of liquors and beverages, to its members only, under the same regulations and restrictions other than license fees as are now or may hereafter be provided by the laws of the State of Montana and provided further that not to exceed eight such clubs shall be permitted in any city or town within the State of Montana, provided that this Act shall not effect social clubs in incorporated cities or towns now organized and in existence, in which intoxicating liquors and beverages are disposed of to members of such social club, upon any such social club complying with the provisions of this Act.

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Clubs must obtain permits from city or town council.

Section 2. Before any such club shall be entitled to barter, sell, give away or dispose of any intoxicating liquors to the members, members' guests, or to any other person, they shall obtain a permit from the city or town council, which permit shall be kept in a conspicuous place at all times. The city or town council shall have full power within their discretion to grant or refuse permits to any such club.

In discretion of council.

permit may be revoked, when

If the city or town council deem it for the best interest, upon it being made to appear to them that any club now in existence, or hereafter organized is not a bona fide club or association and that any club is a society or association organized to evade the law relating to liquor licenses, such permit shall be revoked and annulled by a majority of the city or town council. Whenever any permit is revoked the city or town clerk shall in writing, by registered mail, notify the holders of such permit and thereafter such permit shall be void and of no effect.

Notice of revocation.

Penalty for conducting social club in any other manner.

Section 3. Any person or persons who shall barter, sell, or give away, any intoxicating liquors or beverages or who shall conduct any room or place where intoxicating liquors are kept or disposed of, as such social club, other than as herein provided, shall upon conviction be fined in the sum of not less than Twenty-five Dollars ($25.00) nor more than Three Hundred Dollars ($300.00).

Repealing clause.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5th, 1915.

CHAPTER 81.

"An Act authorizing the State Land Board to contract and agree with the United States for the waiver of the State's right to unsurveyed school sections in forest reserves, and to accept lands in lieu thereof, and validating agreements heretofore made for that purpose."

Be it enacted by the Legislative Assembly of the State of Montana:

State Board of Land Commissioners

Authorized to relinquish to the United States sections 16 and 36 in Forest Reserves and unsurveyed.

Section 1. That the State Board of Land Commissioners of the State of Montana, be and are hereby authorized and empowered to enter into contracts or agreements with the United States, or any department thereof, having jurisdiction, waiving and relinquishing to the United States any and all rights of the State of Montana in and to Sections Sixteen (16) and Thirty-six (36) of each

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township, when said Sections are situated within a Federal Forest Reserve, and are at the date of such contract or agreement unsurveyed. Provided, that the State of Montana shall in lieu of the rights so waived and relinquished, receive from United States other lands equal in acre or value, and all contracts or agreements heretofore entered into between the State Board of Land Commissioners of the State of Montana and the United States or any department thereof relative to the waiving by the State of Montana of its rights to Section Sixteen and Thirty-six in any township in said State and the selection of lieu lands therefor by said State either according to area or value be and the same are hereby ratified, confirmed and validated.

Provided state receives lieu lands therefor.

Validating existing contracts.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1915.

CHAPTER 82.

"An Act to authorize railway companies and corporations to own, maintain, and operate hotels, inns, and restaurants."

Be it enacted by the Legislative Assembly of the State of Montana:

Railroads authorized to own and maintain hotels on its right of way in National Park.

Section 1. Any railway company, or corporation, organized under the laws of the United States, the State of Montana, or of any other State or Territory, and owning or operating a line of railway in the State of Montana may in connection with its railway business construct, acquire, own, operate and maintain, in or on public or National Parks, traversed, touched, or reached by its said line of railway in the State of Montana, and at convenient points along its said line, hotels, inns, and restaurants for the accommodation of the employees and patrons of said railway company, or corporation, either in its own name or in the name of another corporation, provided that the stock of such other corporation is owned or controlled by said railway company or corporation.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall have full force and effect sixty days after its final passage.

Approved March 5th, 1915.

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CHAPTER 83.

"An Act permitting stockholders of co-operative associations to vote by mail, and providing for the declaring of dividends and distribution of net earnings and extending the provisions of this Act to co-operative associations heretofore incorporated."

Be it enacted by the Legislative Assembly of the State of Montana:

When stockholder of co-operative associations may vote by mail.

Section 1. At any regularly called general or special meeting of the stockholders of co-operative associations a written vote received by mail from any absent stockholder and signed by him may be read in such meeting and shall be equivalent to a vote of each of the stockholders so signing; provided, he has been previously notified in writing of the exact motion or resolution upon which such vote is taken and a copy of the same is forwarded with and attached to the vote so mailed by him.

Directors may apportion the earnings of the Association, how.

Dividends.

Reserve fund.

Educational fund, and use thereof.

Balance may be paid as above. Dividends on purchases and upon wages and salaries.

Section 2. The Directors of a co-operative association, subject to revision by the stockholders at a general or special meeting, may apportion the earnings of the association by first paying dividends on the paid up capital stock not exceeding eight per cent per annum on the par value thereof, from the remaining funds, if any, accessible for dividend purposes not less than five per cent of the net profits for a reserve fund until an amount has accumulated in said reserve fund amounting to thirty per cent of the paid up capital stock and from the balance, if any, five per cent for an educational fund to be used for teaching co-operation and the remainder of said net profits, if any, by uniform dividends upon the amount of purchases of share holders and upon the wages and salaries of employes, and one-half of such uniform dividend to non-shareholders on the amount of their purchases, which may be credited to the account of such non-shareholders on account of capital stock of the association; but in productive associations such as creameries, canneries, elevators, factories, and the like, dividends shall be on raw material delivered instead of on goods purchased. In case the association is both a selling and a productive concern, the dividends may be on both raw material delivered and on goods purchased by patrons.

Dividends in productive associations.

When earnings to be distributed.

Section 3. The profits or net earnings of such associations shall be distributed to those entitled thereto, at such times as the by-laws shall prescribe, which shall be as often as once in twelve months. If such associations for five consecutive years shall fail to declare a dividend upon the shares of its paid up capital, the holders of the

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Application for dissolution may be made by majority of the stockholders, when.

majority of the par value of the issued and outstanding capital stock, by petition, setting forth such fact, may apply to the District Court of the county, wherein is situated its principal place of business in this State, for its dissolution. If, upon hearing the allegations of the petition are found to be true, the court may adjudge a dissolution of the association.

Existing Co-operative Associations to have benefit of this Act, when.

Section 4. All co-operative corporations, companies or associations heretofore organized and doing business under prior statutes, or which have attempted to so organize and do business shall have the benefit of all of the provisions of this Act, and be bound thereby on filing with the Secretary of State a written declaration signed and sworn to by the President and Secretary to the effect that said co-operative company or association has by a majority vote of its stockholders decided to accept the benefits of and to be bound by the provisions of this Act. No association organized under this Act shall be required to do or perform anything not specially required herein in order to become a corporation or to continue its business as such.

No other requirements to become or continue as a corporation.

Repealing clause.

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 6. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5th, 1915.

CHAPTER 84.

"An Act to require public officers to allow the State Examiner access to their cash and bank accounts during the examination of their offices, and to fix the penalty for refusal."

Be it enacted by the Legislative Assembly of the State of Montana:

Power of State Examiner in examining affairs of public officers.

Section 1. The State Examiner shall have full power and authority to count the cash, verify the bank accounts, and verify any and all accounts of any public officer, whose accounts he is examining, pursuant to law.

Suspension of officers for refusing access to all books, papers and counting the cash.

Any State, County, City or School District officer who shall refuse to accord the State Examiner access, during an examination of such officer's accounts, to his cash, bank accounts, or any of the paper, vouchers, or records of his office, shall be immediately suspended from office.

Duty of Att'y General.

The Attorney General shall, upon information furnished by the State Examiner, institute such proceedings or action which may be necessary to enforce the provisions of this Act.

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Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed. Conflicting Acts repealed.

Section 3. This Act shall be in full force and effect from and after its passage.

Approved March 5, 1915.

CHAPTER 85.

"An Act fixing the salary and providing for expenses of the Adjutant General of the State of Montana."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The salary of the Adjutant General of the State of Montana is the sum of Two Thousand Four Hundred ($2,400.00) Dollars per annum, payable in monthly installments, and he shall receive his actual and necessary expenses incurred in the performance of his duties. Adjutant General's salary. Expenses.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1915.

CHAPTER 86.

"An Act to Provide for Financial Aid in the Care of dependent children in their own homes under the direct control of the mothers of such children, whose fathers are dead or inmates of some Montana State institution of Charity or Correction, or who are physically or mentally unable to work, who have for a period of two years or more failed to provide for said children, and whose mothers are wholly dependent upon their labor for support."

Be it enacted by the Legislative Assembly of the State of Montana.

Section 1. ALLOWANCE FOR DEPENDENT CHILDREN.—Every child under the age of 14 years, whose father is dead or an inmate of some Montana State Institution of Charity or Correction, or who is physically or mentally unable to work, which act of disability shall have occurred while a resident of the State, and who has, for a period of two years or more, failed to provide for said child, shall be entitled to assistance which will help make it possible for such child to be cared for in his or her own home instead of being sent to some public institution, said financial aid to be given to the mother of said child or children. Dependent children who shall be entitled to assistance in their own home.

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Each of such children, dependent upon the mother's labor, shall be made an allowance by the county.

Section 2. AMOUNT OF ALLOWANCE.—Subject to subsequent provisions of this Act.—Every child as provided for in Section 1, whose mother is wholly dependent upon her labor for support, shall be allowed from the public moneys of the county, in which said mother resides, the sum of $10.00 per month if there is one child in said family; if more than one child then $7.50 per month for a second child and $2.50 per month for each additional child, said money to be paid to the mother of said child or children.

Amount.

To be paid to the mother.

Conditions of allowance.

Section 3. Conditions of Allowance.—The allowance herein referred to shall be made subject to the following conditions: (1) The child or children for whose benefit the allowance is made must be living with the mother of such child or children. (2) The allowance shall be made only when in absence of such allowance, the mother would be required to work regularly away from her home and children, when by means of such allowance, she will be able to remain at home with her children. (3) The mother must, in the judgment of the juvenile court officer if there be one, and if not then in the judgment of the Judge of the District Court, be a proper person physically, mentally and morally for the bringing up of her children. (4) Such allowance shall, in the judgment of the court, be necessary to save the child or children from neglect. (5) No person shall receive the benefit of this Act, who shall not have been a resident of the county in which such application is made, for at least two years next before the making of such application for such allowance. (6) Provided that the provisions of this Act shall not apply to any child which has property of its own sufficient for its support.

The court to make the order, when.

Section 4. ALLOWANCE PAID OUT OF COUNTY FUNDS.—Whenever the Judge shall determine that an allowance under this Act shall be made, he shall make an order to that effect, which order, among other things, shall

What order shall set out.

set out in full the name of the mother, her place of residence, the names and ages of the children, and the amount allowed to each child, and upon presentation of such order, the County Commissioners shall direct monthly warrants to be drawn therefor, which warrants shall be paid from the general funds of the County.

Duty of county commissioners.

Age limit to allowance.

Section 5. WHEN ALLOWANCE SHALL CEASE.—No allowance for any child shall continue after such child shall have reached the age of fourteen years. Whenever any mother of any child on whose account any allowance shall have been made under the provisions of this Act, shall marry, such allowance shall cease.

Marriage of mother.

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Section 6. All Acts and parts of Acts in conflict herewith are hereby repealed. Conflicting Acts repealed.

Section 7. This Act shall be in full force and effect from and after the date of its passage and approval.

Approval March 5th, 1915.

CHAPTER 87.

"An Act to amend Chapter 35 of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana, relating to the regulation, issuance and renewal of licenses for the sale of spirituous, malt, or fermented liquors, and to add certain sections thereto."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Chapter 35 of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana be amended to read as follows:

Section 1. It shall be unlawful for any county or city in this State to issue more than one license for every five hundred (500) inhabitants in any city, town, village, camp, or settlement, whether incorporated or unincorporated, to any retail liquor dealer, that is a person who sells spirituous, malt, or fermented liquors or wine in less quantity than one quart. Limit to number of retail liquor licenses to be issued in cities, towns, etc.

Section 2. From and after December 31, 1915, it shall be unlawful for any County in this State to issue a license to any retail liquor dealer, that is, a person who sells spirituous, malt or fermented liquor or wine in less quantity than one quart, in any place having a population of less than fifty (50) inhabitants who are bona fide residents for at least six months within a radius of one-quarter (¼) mile of the location of the license; provided, that the county treasurer shall refund the unexpired portion of such licenses bearing an expiration date later than December 31, 1915; and further provided, that this section shall not apply to hotels, regularly operated as such, where such hotels have twenty (20) or more sleeping rooms. Places where county shall not grant retail liquor licenses after December, 1915. License money to be refunded, when. Act not to apply to certain hotels.

Section 3. This Act, in so far as it limits the issuance of licenses for the sale, or the offering for sale, of spirituous, malt or fermented liquors, or wine, in less quantity than one quart, shall not effect any person, company or corporation now regularly licensed, nor the party to whom such license may be transferred, to sell, or offer for sale any spirituous, malt or fermented liquors, or wine, in quantities of less than one quart, or the re-issuance or transfer of a license to such person, in accordance Act not to affect persons now engaged in saloon business, or their transferees. Or the re-issuance or transfer of a license to such person. Exception.

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with the existing laws upon this subject, except in places where the inhabitants are less than fifty (50), as described in Section 2 of this Act.

Licenses for places not within incorporated city or town to be issued by county treasurer.

Section 4. Every person who desires to engage in the business of a retail liquor dealer, that is, a person who sells spirituous, malt or fermented liquor or wine in less quantity than one quart, in any place not within the corporate limits of an incorporated city or town, must obtain a license from the county treasurer. Before the county treasurer shall issue such new license to the person making application for the same as a new license, in any place not within the corporate limits of an incorporated city or town, a petition shall first be filed and presented to the Board of County Commissioners of the county in which such person intends to engage in business, signed by at least twenty (20) freeholders, resident outside of the corporate limits of any incorporated city or town, and within a radius of five (5) miles of a proposed location of the license, said petition to be a request for the issuance of such license to the person, firm or corporation presenting the same. Upon the filing of such a petition with the Board of County Commissioners, they must set the same down for hearing for a time within thirty (30) days, and cause notice of such hearing to be given by having notices posted, for at least ten (10) days, in at least three (3) public places within the five (5) mile radius before described. Upon the day fixed in the notice for the consideration of the petition, the County Commissioners shall meet and determine the sufficiency of the petition, and whether or not the license shall be issued. If a protest is filed against the issuance of such a license, signed by at least twenty (20) freeholders resident outside of the corporate limits of any incorporated city or town within a radius of five (5) miles of the proposed location of the license, the County Commissioners shall proceed to hear the matter upon the petition and protest, and, if necessary, appoint a further day for the hearing of the petition for a license and protest, and after such hearing determine, in their discretion, whether or not such license shall be issued. From the decision of the Board of County Commissioners the applicant for license whether a protest be filed or not, or the protestants against the issuance thereof, may appeal to the District Court of said County, within thirty (30) days after the decision of the Board of County Commissioners. The appeal shall be taken and heard in the same manner as appeals from the Justice Courts to the District Court, and the same shall be determined without delay.

Before license is issued petition must be filed with county commissioners.

Required number of signatures.

Petition must be set down for hearing.

Notices to be posted.

Hearing on petition.

Protest.

Hearing on petition and protest.

Duty to determine.

Who may appeal to district court.

Hearing in district court.

Section 5. Whenever the holder of a retail liquor

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license, as herein defined, shall desire a renewal thereof to conduct such retail liquor business in the same location, not within the corporate limits of an incorporated city or town, the County Treasurer shall issue such license without requiring a petition therefor, unless he shall receive an order from the County Commissioners to notify the applicant that a new petition will be required, in which event the applicant for renewal must petition for the same, as required in Section 4 of this Act, and to all intents and purposes as though it were an application for a new license; and further provided, that it shall be subject to the same conditions and procedure as to a protest thereon as is provided for protests against the issuance or re-issuance of a license. The applicant for renewal under this Section shall be permitted to continue in business pending a final determination of his application, unless for good cause shown, and upon the complaint of the County Attorney or Sheriff, it shall appear to the best interests of the community involved to close the applicant's place of business, pending the final determination of the application, in which event the County Commissioners may so order it. And upon the final hearing of the application, or application and protest, it shall be discretionary with the board to grant such a renewal of license or refuse the same. From the decision of the Board of County Commissioners, the holder of a license, or the protestants against the issuance thereof, may appeal to the District Court of said County within thirty (30) days after the decision of the Board of County Commissioners. The appeal shall be taken and heard in the same manner as provided in the Section foregoing. In case the Board of County Commissioners decide that such license may be re-issued by the County Treasurer, he shall re-issue the same, and it shall be in force and effect until the decision of the Board of County Commissioners is reversed by the action of the District Court to which said appeal is taken. In every case, where a protest is filed the Board of County Commissioners shall, if possible, hear and determine the same, before the date of the expiration of the license, the issuance of which is protested against; provided, that nothing in Sections 4 and 5 of this Act shall be construed as affecting any pending applications for, or protests against the issuance of any license under the provisions of existing laws.

County treasurer to renew license without petition, when.

When new petition required by county commissioners.

Procedure.

May do business pending application, unless.

Discretionary with commissioners to grant or refuse renewal.

Who may appeal to district court.

County treasurer to re-issue license, when.

Hearing in case of protest, before expiration of license.

Proviso.

Section 6. That upon the conviction of any person engaged in the business of a retail liquor dealer, that is, a person who sells spirituous, malt or fermented liquor or wine in less quantity than one quart, for a penal offense against the laws of the State of Montana, occurring

Punishment of retail dealer upon conviction of offense committed in his place of business.

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in the place of business of such person, and relating to such business, such person shall be punishable in accordance with existing laws upon the subject, and as hereinafter provided.

Second conviction of such offense.

That upon a second conviction of any person engaged in the business of a retail liquor dealer, that is, a person who sells spirituous, malt or fermented liquor or wine in less quantity than one quart, for a penal offense against the laws of the State of Montana, occurring in the place of business of such person, and relating to such business, the license of such person, company or corporation, so convicted, shall be suspended by virtue of second conviction, and such person, company or corporation shall not be entitled to obtain or hold, in his name, or the name of any other person, company or corporation, any license for the sale of any spirituous, malt or fermented liquor, or wine, at retail for a period of three (3) months after such conviction; and upon a third conviction shall not be entitled to any license for the sale of spirituous, malt or fermented liquor, or wine at retail, within the State of Montana.

Suspension of license for three months.

Penalty upon third conviction.

Repealing clause.

Section 7. All Acts and parts of Acts in conflict herewith are hereby repealed

Section 8. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1915.

CHAPTER 88.

"An Act to amend Sections 3818 and 3889 of the Revised Codes of Montana of 1907, relating to the powers of corporations and providing for preferred stock, and relating to what articles of incorporation should contain."

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section 3818, Revised Codes.

Section 1. That Section 3818 of the Revised Codes of Montana of 1907 be, and the same is, hereby amended to read as follows:

What articles of incorporation shall contain.

"Section 3818. Articles of Incorporation, What to Contain.—Articles of Incorporation must be prepared, setting forth:

1. The name of the corporation.
2. The purpose for which it is formed.
3. The place where its principal business is to be transacted.

Term enlarged by this Act.

4. The term for which it is to exist, not exceeding forty years.
5. The number of its directors or trustees, which shall not be less than three nor more than thirteen, and the

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names and residences of those who are appointed for the first three months and until their successors are elected and qualified.

6. The amount of its capital stock and the number of shares into which it is divided, and if there be more than one class of stock created by the articles of incorporation, a description of the different classes with the terms on which the respective classes are created.

7. If there is a capital stock the amount actually subscribed and by whom.

8. If the stock is assessable it must be so stated.

Amending Sec. 3889 of the Revised Codes.

Section 2. That Section 3889 of the Revised Codes of Montana of 1907 be, and the same is, hereby amended to read as follows:

Powers of corporations.

Section 3889. Powers of Corporations.—Every corporation, as such, has power:

1. Of succession, by its corporate name, for the period limited in its articles of incorporation.

2. To sue and be sued, in any court.

3. To make and use a common seal, and alter the same at pleasure.

4. To purchase, hold, and convey such real and personal estate as the purposes of the corporation may require.

5. To appoint such subordinate officers or agents as the business of the corporation may require, and to allow them suitable compensation.

6. To make by-laws, not inconsistent with any existing law, for the management of its property, the regulation of its affairs, and for the transfer of its stock.

7. To enter into any obligations or contracts essential to the transaction of its ordinary affairs, or for the purposes of the corporation.

8. To create two or more kinds of stock of such classes with such designation, preferences and voting powers, or restrictions or qualifications thereof, as shall be stated or expressed in the Articles of Incorporation and the power to increase or decrease the stock, as in this code elsewhere provided, shall apply to all or any of the classes of stock; but at no time shall the total amount of the preferred stock exceed two-thirds of the actual capital paid in cash or property; and such preferred stock may, if desired, be made subject to redemption at not less than par, at a fixed time and price, to be expressed in the stock certificate thereof; and the holders thereof shall be entitled to receive, and the corporation shall be bound to pay thereon, a fixed yearly dividend, if actually earned, to be expressed in the certificate, not exceeding eight per centum, payable quarterly, semi-annually, or

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annually, before any dividend shall be set apart or paid in the common stock, and such dividend may be made cumulative. Unless its original or amended Articles of Incorporation shall so provide, no corporation shall create preferred stock.

Section 3. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 5th, 1915.

CHAPTER 89.

"An Act regulating the business of Banking, providing for the creation and regulation of Banking Corporations, creating the Department of Banking and prescribing the duties and fixing the salaries of its officers and employees, and repealing Title II, Part IV of Division I of the Civil Code of Montana entitled, 'Banks and Banking Corporations,' being the provisions of Sections 2909 to 4015, both numbers inclusive, Revised Codes of Montana, 1907, and all Acts amendatory thereof."

Be it enacted by the Legislative Assembly of the State of Montana:

Bank Act.

Section 1. This Act shall be known as the Bank Act and shall be applicable to all corporations specified in Section 2 hereof.

Defining "Bank" as used in Act.

What deemed a commercial or savings bank business.

Proviso.

Doing banking business other than through a corporation forbidden.

Classification of banks.

Act not to apply to certain banks now doing business.

Section 2 The word "Bank," as used in this Act, shall be construed to mean any corporation which shall have been incorporated to conduct the business of receiving money on deposit or transacting a trust or investment business as hereinafter defined. The soliciting, receiving, or accepting of money or its equivalent on deposit as a regular business shall be deemed to be doing a commercial or savings bank business whether such deposit is made subject to check or is evidenced by a certificate of deposit, a passbook, a note or other receipt; Provided, that nothing herein shall apply to or include money or its equivalent left in escrow or left with an agent pending investment in real estate or securities for or on account of his principal. It shall be unlawful for any corporation, partnership, firm, or individual to engage in or transact a banking business within this state, except by means of a corporation duly organized for such purpose. Banks are divided into the following classes: (a) Commercial banks, (b) savings banks, (c) trust companies, (d) investment companies; Provided further, however, that this act shall not apply to any branch bank or banks heretofore established under authority of law and now doing

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business, nor to any person, firm or association now doing a private banking business, Provided, however, that said private banks hereinabove referred to shall come under all of the provisions of Section 50 of this Act; Provided further, however, that this Act shall not apply to any investment company or corporation, heretofore established under authority of law, not accepting, receiving and holding money on deposit.

Private banks subject to Sec. 50 of Act.

Not to apply to certain investment companies.

Section 3. Corporations may be formed by any number of natural persons not less than three under the laws of this State to conduct, as provided in this Act and not otherwise, any one, or more, or all of the business mentioned in Section 2 of this Act.

Number of persons who may form a corporation under Act.

Section 4. The term "commercial bank," when used in this Act, means any bank authorized by law to receive deposits of money, deal in commercial paper, or to make loans thereon, and to lend money on real or personal property, and to discount bills, notes, or other commercial paper, and to buy and sell securities, gold and silver bullion, or foreign coins, or bills of exchange.

Commercial bank defined.

Section 5. The term "savings bank," when used in this Act, means a bank organized for the purpose of accumulating and loaning the funds of its members, stockholders, and depositors, and which may loan and invest the funds thereof, receive deposits of money, loan, invest, and collect the same, with interest, and repay depositors with or without interest, with power to invest said funds and moneys in such property, securities, and obligations as may be prescribed by this Act; and to declare and pay dividends on its general deposits, and a stipulated rate of interest on deposits made for a stated period, or upon special terms.

Savings bank defined.

Section 6. The term 'trust company," when used in this Act, means any corporation which is incorporated under the laws of this State for any one or more of the following purposes:

Trust company defined.

1. To receive moneys in trust and to accumulate the same at such rates of interest as may be obtained or agreed upon, or to allow such interest thereon as may be agreed upon.

Purposes for which a trust company may be formed.

2. To accept and execute all such trusts and perform such duties of every description as may be committed to them by any person or persons whatsoever, or by any corporations, or may be committed or transferred to them by order of any of the courts of record of this State, or any other State, or of the United States.

3. To take and accept by grant, assignment, transfer, devise or bequest, and hold any real or personal estate or trust created in accordance with the laws of this State,

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or any other State, or of the United States, and execute such legal trusts in regard to the same on such terms as may be declared, established, or agreed upon in regard thereto.

4. To act as agent for the investment of money for other persons or corporations, and as agents for persons and corporations for the purpose of issuing, registering, transferring, or countersigning the certificates of stock, bonds or other evidence of debt of any corporation, association, municipality, state, or public authority as may be agreed upon.

5. To accept from and execute trusts for married women in respect to their separate property, whether real or personal, and act as agents for them in the management of such property, and generally to have and exercise such powers as are usually had and exercised by trust companies.

6. To act as trustee, assignee, or receiver in all cases where it shall be lawful for any court of record, officer, corporation, or person to appoint a trustee, assignee, or receiver, and to be appointed a trustee, assignee, or receiver, and to be appointed, commissioned, and act as administrator of any estate, executor of any last will and testament of any deceased person, and as guardian of the person and estate of any minor or minors, or of the estate of any lunatic, imbecile, spendthrift, habitual drunkard, or other persons disqualified or unable to manage their estates.

7. To loan money upon unencumbered real estate, collateral, or personal security, and execute and issue its notes, debentures, payable at a future date, and to pledge its mortgages upon real estate and other securities as security therefor.

8. To buy and sell government, state, county, municipal, and other bonds, and all kinds of negotiable, nonnegotiable, and commercial paper, stocks and other investment securities.

9. To accept, receive, and hold money on deposit, payable either on time or on demand, with or without interest, as may be agreed upon with the depositors, and to take and receive from any individual or corporation on deposit for safe keeping and storage, gold and silver plate, jewelry, stocks and securities, and other valuable and personal property, and to collect coupons, interest, and dividends on said above described securities, and to rent out the use of safes and other receptacles on their premises upon such terms and for such compensation as may be agreed upon.

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Investment company defined.

Section 7. The term "investment company," when used in this Act, means any corporation which is incorporated under the laws of this State for any one or more of the following purposes:

1. To receive moneys in trust and to accumulate the same at such rates of interest as may be obtained or agreed upon, or to allow such interest as may be agreed upon, and to issue and sell its contracts or certificates of indebtedness, bearing fixed rates of interest, in whole or in part, with participation or non-participation in the profits of the corporation, and maturing at fixed periods of time, or otherwise, as may be fully set forth in said contracts or certificates.

2. To buy and sell government, state, county, municipal, and other bonds, and all kinds of negotiable and non-negotiable and commercial paper, stocks and other investment securities.

3. To accept, receive, and hold money on deposit, payable either on time or on demand, with or without interest, as may be agreed upon with depositors, and to collect coupons, interest, and dividends on said above described securities.

Number of persons who must sign and acknowledge articles of agreement.

Section 8. Any three or more persons desiring to associate themselves together for the purpose of becoming a corporation to engage in any one or more or all of the businesses mentioned in Section 2 of this Act, shall sign and acknowledge, in the manner provided for the acknowledgment of deeds of real estate, articles of agreement, which shall set forth:

What articles of agreement shall contain.

1. The corporate name of the proposed corporation, which shall not be the name of any other corporation theretofore created in this State for similar purposes, or any imitation of such name.

2. The name of the city or town and county in which the principal office of the corporation is to be located.

3. The amount of the capital stock of the corporation; the number of shares into which it is to be divided, and the par value of such shares; the amount of capital stock actually subscribed in good faith at the time of the signing of such articles of agreement; and the amount of the capital stock actually paid up in lawful money of the United States and in the custody of some banking institution designated as the depository thereof until the proposed corporation is fully organized and authorized to engage in business.

4. The names and places of residence of the several shareholders, and the number of shares subscribed by each.

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5. The number of the board of directors, and the names of those agreed upon for the first year.

6. The number of years the corporation is to continue, which in no case shall exceed fifty years.

7. The purposes for which the association or company is formed, which may be set forth by the use of the general terms herein defined, with reference to each line of business in which the proposed corporation desires to engage.

Articles of agreement with application for certificate must be presented to superintendent of banks.

Thereupon the articles of agreement shall be presented to the Superintendent of Banks, together with an application in writing in the form prescribed by the Superintendent of Banks for a certificate authorizing the proposed corporation to transact within this State the business specified therein.

Duty of superintendent of banks upon filing articles and application.

Upon the presentation of the articles of agreement, together with such application, the Superintendent of Banks shall examine or cause an examination to be made in order to ascertain whether the requisite capital of such bank has been subscribed and been paid up in cash.

He shall determine whether intentions are legal, whether bank is needed at place, etc.

He shall also determine whether the corporation is being formed for any other than the legitimate business contemplated by this Act, or whether the public convenience and advantage will be promoted by the opening of such bank, and whether the corporate name assumed by such bank, by reason of the use by it of any one or more of the words "commercial," "trust," "savings," or "investment," in conjunction with any other word or words, resembles so closely as to be likely to cause confusion, the name of any other bank previously formed under this Act.

Character and fitness of stockholders.

He shall also ascertain from the best sources of information at his command whether the character and general fitness of the persons named as stockholders are such as to command the confidence of the community in which such bank is proposed to be located.

Expenses of examination.

The expenses of the Superintendent of Banks in making the examinations required by this Act shall be paid by the proposed bank, and payment shall be made in advance if required by the Superintendent of Banks.

Superintendent, if not satisfied on examination made, must refuse to grant application within 60 days.

If the Superintendent of Banks shall not be satisfied with the result of his investigation, he shall refuse the application within sixty days after the articles of agreement and the application have been presented to him and so notify the incorporators named therein.

When he shall issue certificate of authority.

If the Superintendent of Banks shall be satisfied with the result of his investigation he shall within sixty days after such application has been made to him, issue under his hand and official seal the certificate of authorization, required by this Act, in duplicate. The articles of agreement to-

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gether with one of such certificates of authorization, so issued, by the Superintendent of Banks, shall be filed in the office of the clerk and recorder of the county in which is located the principal place of business of the proposed bank, and a certified copy of the articles of agreement, together with the other certificate of authorization issued by the Superintendent of Banks, shall be filed with the Secretary of State. Upon filing with the Secretary of State the articles of agreement and the certificate of authorization, and paying the fee required for the filing of articles of incorporation the Secretary of State shall issue a certificate setting forth that such corporation has been duly organized, the amount of its authorized and subscribed capital, and the business in which it is to engage; and such certificate shall be taken by all courts of this State as evidence of the corporate existence of such bank. The persons so signing and acknowledging the articles of agreement and their associates and successors, shall, for a period not exceeding fifty years next succeeding the issuance of such certificate by the Secretary of State, be a body corporate, and by such name they and their successors shall be entitled to have, possess and enjoy all the rights and privileges conferred by this Act.

The articles of agreement and certificate to be filed, where.

Duty of secretary of state.

Duration of corporate existence.

Section 9. In the event the application for a certificate of authorization shall have been rejected by the Superintendent of Banks, and the applicants feel aggrieved at such decision, they may appeal to a Board of Review, which shall consist of the Governor, the Secretary of State, and the Attorney-General. The Governor shall be Chairman of the Board. Such appeal must be made within thirty days after service of notice of rejection of application for certificate of authorization. Applicants so appealing shall file a notice with the Superintendent of Banks that they appeal from his decision made on such application, to the Board of Review hereinabove constituted. Upon the filing of such notice the Superintendent of Banks shall certify such application, together with his decision thereon, and the notice of appeal, to the Governor, the said Board of Review shall fix a time and place for hearing such appeal, and shall notify the applicants and the Superintendent of Banks thereof. The proceedings shall be reviewed by said Board of Review, which Board of Review may also hear other or additional evidence, and the Board of Review shall make an order, either affirming or reversing the order of the Superintendent of Banks. Within three days after such determination by the Board of Review all records and pro-

Appeal to board of review.

Membership board of review.

Time within which appeal may be taken.

Notice.

Record on appeal.

Proceeding and hearing on appeal.

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ceedings pertaining to such application shall be remitted to the Superintendent of Banks, and the decision and determination of the said Board of Reviews shall be final and conclusive, and shall govern the future action of the Superintendent of Banks.

Conclusiveness of decision of board.

Amount of capital of commercial banks.

Section 10. The amount of the capital stock of a commercial bank shall be not less than $20,000, which shall be paid up in cash and deposited with some bank or banks in this State at the time the application is made to the Superintendent of Banks for the certificate of authorization hereinabove mentioned.

Amount of capital of savings banks, trust and investment companies. $100,000 to be paid in cash.

The amount of the capital stock of a savings bank, trust company or investment company shall be fixed and limited by the articles of agreement, and shall be not less than $100,000 nor more than $10,000,000, of which amount at least $100,000 must be subscribed and fully paid up in cash and on deposit with some bank or banks in this State when the application is made to the Superintendent of Banks for the certificate of authorization hereinabove mentioned. The remainder of the authorized capital stock may be subscribed and paid in at such times and under such regulations as the Board of Directors of such corporation may determine. The shares of the capital stock of all banks shall have a par value of $100. No bank shall have preferred stock.

When balance to be paid.

Calling of first corporate meeting.

Section 11. When the formation of the corporation is completed under the provisions of this Act by the issuance of the certificate of incorporation by the Secretary of State, any three of those signing the articles of agreement may call the first meeting of the corporation at such time and place as they may appoint, by giving notice thereof by publication in some newspaper of general circulation in the county in which the principal office for the transaction of business is to be located at least five days before the time appointed for such meeting. If all the subscribers to the capital stock unite in a call for such meeting, in writing, no notice is necessary. If the first meeting be not called within 30 days from the date of the certificate of incorporation, the Superintendent of Banks is authorized to cancel his certificate of authorization.

Notice of first meeting.

Certificate may be cancelled, when.

Board of directors.

Section 12. The affairs of the bank shall be managed by a Board of Directors, not less than three nor more than 25 in number, all of whom shall be stockholders of such bank and citizens of the United States, and of whom at least three-fourths must be residents of the State of Montana. No person who shall have been convicted of a crime against the banking laws of the United States or

Qualifications.

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of any State of the Union shall be elected a director. The directors shall be elected for the term of one year at the annual meeting of the stockholders, which shall be held on the second Tuesday in January of each year. In case the election shall not be made on the day fixed for the annual meeting, the corporation shall not thereby be dissolved, but an election may be had at any other time agreeable to the by-laws of the corporation, and the persons so elected shall hold their office until the second Tuesday in January following, or until others are elected and qualified. In case of death or resignation of one or more of said directors the vacancy shall be filled by the board, and the directors so appointed shall hold office until the next annual election, at which time a director shall be elected to fill out the unexpired term. Every director shall take and subscribe an oath that he will diligently and honestly perform his duty in such office and will not knowingly violate or permit a violation of any of the provisions of this Act; that he is the owner in good faith of the required number of shares of stock in the bank standing in his name on the books of the bank. Such oaths shall be made in duplicate, one copy of which shall be transmitted to the Superintendent of Banks and filed in his office, and one copy shall be kept on file in the office of the bank.

Term of office. Date of annual meeting.

Vacancies in board, how filled.

Oath of office.

Section 13. The number of directors may be increased or decreased at any annual meeting of the stockholders or any special meeting thereof called for such purpose, by a resolution passed by a majority vote of the stock represented at such meeting, but such resolution shall not become effective until authenticated copies thereof are filed with the Superintendent of Banks, the Secretary of State and the County Clerk and Recorder of the County in which is located the bank.

Increase or decrease in number of directors.

Copies of resolutions to be filed, where.

Section 14. No person shall be eligible for election as director of a bank unless he is a stockholder of the bank, owning in his own right shares thereof of the par value of at least $1,000.00 and every person elected to be a director who, after such election, shall cease to be the owner in his own right of the amount of such stock aforesaid, or shall hypothecate or in any way pledge such stock as security for any loan or debt, shall immediately notify the Superintendent of Banks of such sale or hypothecation, and such director may be removed from the office of director by the Superintendent of Banks, unless such disability be removed by the acquisition of other shares of stock or release of such pledge within the time prescribed by the Superintendent of Banks.

Director must own not less than $1,000 in stock.

Directors disposing of stock may be removed.

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Selection of officers and employes.

Section 15. The Board of Directors shall have power to elect a president, one or more vice-presidents, cashier, or one or more assistant cashiers, and such other officers and employees as they may from time to time deem to be to the best interest of the bank, and fix their compensation.

President and vice-president must be directors. Election of secretary and duties.

The president and vice-president shall be chosen from the board of directors. The board of directors shall also elect a secretary, who shall keep a correct report of the meetings of the board and of the stockholders in a book kept for that purpose, which minutes shall particularly disclose the date of the meeting and the names of the directors or stockholders present. This record of the meetings of the board of directors shall be subscribed to by the presiding officer and Secretary. Such minutes shall be read and approved at the next succeeding meeting of the board of directors, and the minutes of such next succeeding meeting shall show such fact.

Minutes of meetings.

Minute books to be kept, where.

Such minute books shall be kept in the office of the bank at all times, and shall be presented to the Examiner at the time of his examination of the bank, and it shall be the duty of such Examiner to include in his report of examination of such bank a statement of the dates on which such meetings were held since the last examination of such bank by the Examiner, and the names of the directors in attendance at each of said meetings.

Duty of examiner as to minutes.

Monthly meetings of directors.

The board of directors of a bank must hold a meeting at least once a month.

Falsifying minute book a misdemeanor.

Any person who shall make a false entry in the said book, or who shall change or alter any entry made therein shall be deemed guilty of a misdemeanor.

By-laws to be adopted, when.

Section 16. The persons signing the articles of agreement shall, at their first meeting, adopt by-laws for the government of the corporation, which by-laws may provide for:

By-laws shall provide.

1. The time, place and manner of calling and conducting the meetings of the corporation.
2. The number of stockholders constituting a quorum.
3. The mode of voting by proxy.
4. The time of the annual election of directors, and the mode and manner of giving notice thereof.
5. The duties of officers.
6. The manner of election and the tenure of office of all officers other than the directors.
7. Suitable penalties for violations of by-laws, not exceeding in any case $100 for any one offense.

By-laws to be certified, how, and recorded, and copy transmitted to superintendent of banks.

The by-laws adopted must be certified to by a majority of the directors and the secretary of the corporation, and recorded in the book of by-laws, which said book shall be open to the inspection of the public during the office

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hours of each day, except holidays. A copy of the by-laws shall also be transmitted to the Superintendent of Banks. The by-laws may be repealed or amended, or new by-laws be adopted, at the annual meeting, or at any other meeting of the stockholders called for that purpose by the directors, by a vote representing two-thirds of the subscribed stock, or the power to repeal and amend the by-laws, and adopt new by-laws may, by a similar vote at the first meeting or any annual meeting, be delegated to the Board of Directors.

How and when may be repealed or amended.

Section 17. The stockholders of every bank shall be severally and individually liable, equally and ratably, and not one for the other, for all contracts, debts, and engagements of such corporation, to the extent of the amount of their stock therein, at the par value thereof, in addition to the amount invested in such shares. No person holding stock as executor, administrator, guardian, or trustee, and no person holding such stock as a pledge or collateral security, shall be personally subject to any liability as stockholder in such corporation; but the person pledging such stock shall be considered as holding the same, and shall be liable as a stockholder accordingly, and the estate and funds in the hands of such executor, administrator, guardian, or trustee, shall be liable in like manner and to the same extent as the testator, intestate, ward or the person interested in such trust fund would have been liable if he had been living or competent to act and held the stock in his own name.

Liability of stockholders.

Persons holding stock in trust as collateral security not liable as stockholders.

Liability of estate.

Section 18. The delivery of a certificate of stock to a bona fide purchaser or pledgee for value, together with a written transfer of the same, or a written power of attorney to sell, assign, and transfer the same, signed by the owner of the certificate, shall be a sufficient delivery to transfer the title as against the creditors of the transferor and subsequent purchasers; but no such transfer shall affect the right of the corporation to pay any dividend due upon the stock, or treat the holder of record as the holder in fact, until such transfer is recorded upon the books of the corporation, or a new certificate issued to the person to whom it has been transferred.

Transfer of stock, how accomplished.

Transfer of stock not to affect rights of the corporation until, when.

Section 19. All elections must be by ballot, and every stockholder shall have the right to vote in person or by proxy the number of shares standing in his name for as many persons as there are directors to be elected, or to cumulate said shares and give one candidate as many votes as the number of directors multiplied by the number of his shares of stock shall equal, or to distribute them on the same principle among as many candidates

Elections.

Cumulative balloting permitted.

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Form of proxies.

Voting of stock held by trustees, etc.

Voting stock pledged.

Closing of stock books prior to elections.

Adjournment for want of quorum, etc.

Proceedings of directors and stockholders meetings, conducted how.

as he shall think fit. The board of directors may prescribe the form and manner of executing proxies. The shares of stock of an estate of a minor, or of a person of unsound mind may be represented and voted by his guardian, and of a deceased person by his executor or administrator, and every person who shall pledge his stock may nevertheless represent and vote the same at all meetings, unless the pledgor appoints the pledgee as a proxy in accordance with the by-laws of the company. The board of directors may provide for the closing of the stock books of the company for such length of time prior to the annual election as may be by it deemed convenient for the making up of the lists of the stockholders. Any regular or called meeting of the stockholders may adjourn from day to day or from time to time if, for any reason, there is not present a quorum or no election is had, such adjournment and the reasons therefor being recorded in the minutes of said meeting. All elections and other actions at meetings of stockholders or directors shall be conducted in accordance with the laws of the State of Montana governing corporations in general, except as herein otherwise specially provided.

Investment of capital of savings bank.

Approved personal security required.

Limitation of individual loan.

No officers, directors or employes to borrow from savings bank.

No salaries to be paid until interest due depositor provided for.

Section 20. At least one-half of the paid-in capital of a savings bank, and one-half of the whole amount deposited therein, must be invested in bonds, or other securities of the United States or any of the states of the United States, or any county, city, town, or school district of this State, on which interest is regularly payable, or loaned on unincumbered real estate worth at least double the amount to be secured. The remainder may be invested in the aforesaid character of securities, or in approved personal security but no loan must be made on personal security of less than two responsible persons, or collateral security to be approved by the directors, and no loan upon personal security shall be made to any one person or co-partnership to an amount exceeding $10,000. No president, vice-president, director, or other officer or servant of a savings bank shall directly or indirectly borrow any of the funds of such bank or of its deposits, or in any manner use the same in his private affairs or business, nor shall any director receive any pay, salary, or emolument until such interest as the directors shall have determined to allow depositors shall have been provided for in accordance with the regulations of the corporation.

Real estate which savings bank may hold.

The real estate which such corporation may lawfully purchase, hold, and convey is:

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1. Such as may be necessary for the proper transaction of its business, not exceeding in value $50,000.

2. Such as is mortgaged to it in good faith for moneys loaned in pursuance of the provisions of this Act, or given as security for money loaned or advanced.

3. Such as is purchased at the sale on judgment or decree obtained or rendered for money so loaned or advanced.

personal property it may purchase Limit to or sell.

Savings banks organized under the provisions of this Act must not purchase, hold, or convey real estate in any other case, or for any other purpose than herein specified, and shall not buy or sell any personal property except such as may be necessary for the proper transaction of its business, or such as may have been pledged, mortgaged, or assigned to it to secure moneys loaned or advanced. Provided, the term "savings bank" as used in this section shall mean any bank organized to do the business specified in Section 5 of this Act, only.

Real estate which banks may purchase, hold or convey.

Section 21. Banks organized under the provisions of this Act may purchase, hold, or convey real estate as follows:

1. Such as is necessary for the proper transaction of its business, but it shall not invest an amount exceeding 50 per cent of its paid-up capital and surplus in the lot and building in which the business of the company is carried on, furniture and fixtures, vaults and safety vaults, and boxes necessary or proper to carry on its banking business.

2. Such as is mortgaged to it in good faith by way of security for loans previously made by or moneys due to the corporation.

3. Such as is conveyed to it in satisfaction of debts previously contracted in the course of its business.

4. Such as it purchases at sales under judgments, decrees, or mortgages held by the company.

Limit of time during which certain real estate may be held.

Real estate acquired in the manner set forth in subdivisions 3 and 4 hereof shall not be held longer than a period of five years from the date of acquisition unless special written permission to do so be granted by the Superintendent of Banks.

Trust and investment companies. Power to own and deal in property.

Section 22. Trust and investment companies may lease, purchase, hold, and convey all such real or personal property as may be necessary to carry on their authorized business, as well as such real or personal property as the board of directors may deem necessary to acquire in the enforcement or settlement of any claims or demands arising out of business transactions, and may execute and issue in the transaction of their business, all nec-

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Investment of capital.

essary receipts, certificates, and contracts. The board of directors of any such corporation are authorized to invest the capital and assets of said corporation, and keep the same invested, in securities to be approved by the said board, and it shall be lawful for the board to make such investments of its capital and assets, and of the funds accumulated by its business, including money, deposits, or any part thereof, in negotiable or non-negotiable notes, or bonds, mortgages on unincumbered real estate, stocks and bonds of corporations, or bonds and warrants of any county, city, town, or school district of this state, or any other state of the United States, legally authorized to issue the same, or bonds or obligations of the United States.

Banks empowered to join National Reserve Association.

Section 23. Any bank is hereby authorized and empowered to join or associate itself with the National Reserve Association of the United States, or any branch thereof, and nothing herein contained shall prevent or prohibit any bank from joining or associating itself with any such association or branch thereof or from investing any part of its capital or surplus in the stock of such association or any branch thereof, in accordance with the terms and provisions of the Act of Congress creating such association. Any bank joining or associating itself with such association or branch shall be permitted to conform to and transact its business in accordance with the terms and provisions of the Act of Congress creating the same, and the rules and regulations of such association or branch thereof.

May transact business as required in Act of Congress.

Business which may not be transacted in state by any person or corporation not under supervision of superintendent of banks.

Section 24. No person, firm, company, co-partnership, or corporation, either domestic or foreign, not subject to the supervision of the Superintendent of Banks, and not required by the provisions of this Act, to report to him, and which has not received a certificate to do a banking business from the Superintendent of Banks, shall advertise that he or it is receiving or accepting money or savings for deposit, investment or otherwise, and issuing notes or certificates of deposit therefor, or shall make use of any office sign, at the place where such business is transacted, having thereon any artificial or corporate name, or other words indicating that such place or office is the place or office of a bank or trust company, or that deposits are received there or payments made on check, or any other form of banking business transacted, nor shall any such person or persons, firm, company, co-partnership, or corporation, domestic or foreign, make use of or circulate any letter heads, bill heads, blank notes, blank receipts, certificates, or circulars, or

Certain advertising and circulars forbidden.

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any written or printed, or partly written and partly printed paper, whatever, having thereon any artificial or corporate name, or other word or words indicating that such business is the business of a bank, savings bank or trust or investment company; nor shall any such person, firm, company, co-partnership, or corporation, or any agent of a foreign corporation not having an established place of business in the state solicit or receive deposits or transact business in the way or manner of a bank, savings bank, trust or investment company, or in such a way or manner as to lead the public to believe that its business is that of a bank, savings bank, trust or investment company. Nor shall any person, firm, company, co-partnership, or corporation, domestic or foreign, not subject to the supervision of the Superintendent of Banks, and not required by the provisions of this Act to report to him, and which has not received from the Superintendent of Banks a certificate to do a banking business, hereafter transact business under any name or title which contains the word, "bank," "banker," "banking," "savings bank," "savings," "trust," "trustee," "trust company," or "investment company." Any person, firm, company, co-partnership, or corporation, domestic or foreign, violating any provision of this section shall forfeit to the state $100 a day for every day or part thereof during which such violation continues. Upon action brought by the Superintendent of Banks the court may issue an injunction restraining any such person, firm. company, co-partnership, or corporation from further using such words in violation of the provisions of this section, or from further transacting business in such a way or manner as to lead the public to believe that its business is that of a bank, savings bank, trust or investment company, during the pendency of such action, and for all time, and may make such other order or decree as equity and justice may require.

Certain words not to be used in name or title of businesses of any unauthorized person, firm or corporation.

Penalty for violation.

Injunction may be issued.

Section 25. Every person, firm, company, co-partnership, or corporation, domestic or foreign, advertising that he or it is receiving or accepting money or savings, and issuing notes or certificates of deposit therefor, or advertising that he or it is transacting the business of a bank, savings bank, or trust company, or making use of any office sign at the place where such business is transacted, having thereon any artificial or corporate name, or other words indicating that such place or office is the place or office of a bank, savings bank, or trust company, or that deposits are received there or payments made on check, or that interest is paid on deposits, or that certificates of deposit, either with or without inter-

Requiring capital to be paid up and authorization from superintendent of banks to do banking business.

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est, are being issued, or that any other form of banking business is transacted, and every person, firm, company, co-partnership or corporation, domestic or foreign, making use of or circulating any letter heads, bill heads, blank notes, blank receipts, certificates, or circulars, or any written or printed, or partly written and partly printed paper whatever, having thereon any artificial or corporate name, or advertising that such business is the business of a bank, savings bank, or trust company, must have the proper capital stock paid in and set aside for the purpose of transacting such business, and must have received from the Superintendent of Banks, as provided for in this Act, a certificate to do a banking business. Any person, firm, company, co-partnership, or corporation, domestic or foreign, violating any provision of this section shall forfeit to the State $100 a day for every day or part thereof during which such violation continues. Upon action brought by the Superintendent of Banks the court may issue an injunction restraining any such person, firm, company, co-partnership, or corporation from further violating any provision of this section, and may make such further order or decree as equity and justice may require. Every person, firm, company, co-partnership, or corporation doing any of the things or transacting any of the business defined in this section, must transact such business according to the provisions of the bank act, and the Superintendent of Banks, or his deputy or examiners, shall have authority to examine the accounts, books, papers, cash and credits of every such person, firm, company, co-partnership, or corporation, domestic or foreign, in order to ascertain whether such person, firm, company, co-partnership, or corporation has violated or is violating any provisions of this section.

Penalty for violation of provisions of this section.

Injunction may be issued.

Power of superintendent of banks to make examinations.

Foreign corporations which have complied with laws of this state not engaged in a banking business may loan money.

Section 26. Any corporation organized under the laws of any country or state other than this State, which has complied with all of the laws of this State pertaining to foreign corporations, and is not engaged in the business of banking or receiving money on deposit in this State, may lend money in this State and, for that purpose, may maintain offices in this State, and sue and be sued in this State under its proper corporate name, notwithstanding any prohibitions contained in this Act as to the use of any words in the name, signs, or advertising matter of corporations not under the supervision of the Superintendent of Banks.

Banks advertising capital must state amount paid in.

Section 27. No bank, or officer thereof, shall advertise in any manner, or publish any statement of the capital authorized or subscribed, unless it or he advertise and

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publish in connection therewith, the amount of capital actually paid up. No bank shall publish a statement of its resources or liabilities in connection with those of any other bank, unless such statement shall show the resources and liabilities of each bank separately.

Publishing statements of resources and liabilities in connection with other banks.

Section 28. Every bank shall keep in its offices, in a place accessible to the stockholders, depositors, and creditors thereof, and for their use, a book containing a list of stockholders in such corporation, and the number of shares of stock held by each.

Bank to keep book with list of stockholders, accessible to whom.

Section 29. The directors of any bank may, at certain times, and in such manner as its by-laws prescribe, declare and pay dividends to stockholders of so much of the profits of the bank, and of the interest arising from the capital, surplus, and deposits, as may be appropriated for that purpose, but every bank shall, before the declaration of any dividend, carry at least one-fifth part of its net profits for the preceding half year, or for such period as is covered by the dividend, to its surplus, until such surplus shall amount to twenty-five per centum of its paid-up capital stock. The whole or any part of such surplus may at any time be converted into paid-in capital, in which event such surplus shall be restored in the manner above provided until it amounts to twenty-five per centum of the aggregate paid-up capital stock. Any losses sustained by any bank in excess of its undivided profits may be charged to and paid from its surplus, in which event such surplus shall be restored in the manner above provided, to the amount required by law. A larger surplus may be created, and nothing herein contained shall be construed as prohibitory thereof.

Dividend to be paid from what.

Surplus, how created.

Surplus may be converted into paid up capital.

Losses may be paid from surplus.

Surplus must be restored.

Section 30. Any bank may conduct a safe deposit department, but shall not invest more than one-tenth of its capital and surplus in such safe deposit department.

Banks may conduct safe deposit department.

Section 31. No bank shall purchase or invest its capital or surplus, or money of its depositors, or any part of either, in shares of its own capital stock; nor loan its capital or surplus, or the money of its depositors, or any part of either, on shares of its own capital stock, unless such purchase or loan shall be necessary to prevent loss to such bank on debts previously contracted in good faith. Every person or corporation violating any provision of this section shall forfeit to the State twice the nominal amount of such stock.

Banks shall not invest in their own capital stock or loan thereon.

Proviso.

Penalty.

Section 32. No director, officer, employee, or controlling stockholder of any bank shall directly or indirectly, for his own account, for himself, or as the partner or agent of others, sell or transfer or cause to be sold or

Officer, employe, controlling stockholder may sell certain securities to bank, when.

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transferred to the bank of which he is a director, officer, employee, or controlling stockholder, any note or bond secured by any mortgage or trust deed on real estate, or any contract arising from the sale of real estate, in which such director, officer, employee, or controlling stockholder is personally or financially interested without a vote of the majority of the board of such bank, duly noted upon the minutes of the meeting at which such transaction is decided upon, which minutes shall be signed by a majority of the board. Any director, officer, employee, or controlling stockholder of any bank who knowingly violates or consents to the violation of this provision shall be guilty of a felony.

Penalty.

Limit on amount of bond issue purchased or underwritten.

Section 33. No commercial bank shall purchase, agree to purchase, or underwrite any bond issue in excess of ten per centum of its assets, except bonds of the United States, of the State of Montana, of the cities, towns, counties, or school districts of this State.

Commercial and savings banks forbidden to purchase capital stock of any corporation, except when.

Section 34. No commercial or savings bank shall purchase or invest its capital or surplus, or money of its depositors, or any part of either, in the capital stock of any corporation, unless the purchase or acquisition of such capital stock shall be necessary to prevent loss to the bank on a debt previously contracted in good faith.

When stock acquired must be disposed of.

Any capital stock so purchased or acquired shall be sold by such bank within six months thereafter, if it can be sold for the amount of the claim of such bank against it; and all capital stock thus purchased or acquired must be sold for the best price obtainable by said bank within one year after such purchase or acquisition. Every person or corporation violating any provision of this section shall forfeit to the State twice the nominal amount of such stock.

Penalty.

Officer or employe obtaining property of bank with intent to defraud.

Section 35. A director, officer, agent, or employee of any bank who,

1. Knowingly receives or possesses himself of any of its property, otherwise than in payment for a just demand, and with intent to defraud, omits to make or to cause or direct to be made a full and true entry thereof in its books and accounts; or,

Concurring in or omitting entry.

2. Concurs in omitting to make any material entry thereof; or,

Publishing false report or statement.

3. Knowingly concurs in making or publishing any written report, exhibit, or statement of its affairs or pecuniary condition containing any material statement which is false; or,

Refusal or neglect to allow examination.

4. Having the custody or control of its books, wilfully refuses or neglects to make any proper entry in the

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books of such corporation as required by law, or to exhibit, or allow the same to be inspected and extracts to be taken therefrom by the Superintendent of Banks, his chief deputy, or any of his examiners, shall be guilty of a felony.

Section 36. Any officer, director, agent, teller, clerk or employee of any bank who either,

Overdraft by officer, director or employe.

1. Knowingly overdraws his account with such bank, and thereby obtains the money, notes, or funds of any such bank; or,

Receiving personal profit from loans.

2. Asks or receives or consents or agrees to receive any commission, emolument, gratuity, or reward, or any money, property, or thing of value for his own personal benefit, or of personal advantage, for procuring or endeavoring to procure for any person, firm, or corporation any loan from, or the purchase or discount of any paper, note, draft, check or bill of exchange, by such bank, or for permitting any person, firm or corporation to overdraw any account with such bank, is guilty of a misdemeanor.

Stockholders, liability cannot be waived.

Section 37. No bank shall make any contract with any of its depositors whereby the stockholders' liability provided for by this Act is in any manner waived, and if any such contract shall be so made, such contract shall be void.

Obligations of bank cannot be purchased at discount by officer, director or employe.

Section 38. No director, officer, agent, or other employee of any bank shall directly or indirectly, for his own personal benefit, purchase, or be interested in the purchase of any obligation of said bank for a less sum than shall appear upon the face of such obligation to be the value thereof. Every person violating the provisions of this section shall, for each offense, forfeit to the State three times the face value of any such obligation so purchased.

Penalty.

Officer, director, etc., forbidden to purchase any asset of bank.

Section 39. No officer, director, agent, or other employees of any bank shall directly or indirectly, for his own personal benefit, purchase, or be interested in the purchase of any of the assets of said bank for a less sum than the face value thereof. Every person violating any provision of this section shall, for each offense, forfeit to the State twice the nominal amount of any such asset so purchased.

Penalty.

Limit on loans.

Section 40. The total liabilities of any person, co-partnership, or corporation to any bank for money borrowed, including in the liabilities of a co-partnership the liabilities of the several members thereof, shall at no time exceed 20 per centum of the amount of the capital and surplus of such bank; but the discounting of commercial

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paper actually owned by the person negotiating the same, and loans made on warehouse receipts and bills of lading representing actual value, shall not be considered as the borrowing of money.

Loans to managing officer, how made.

Section 41. No bank shall make a loan to any managing officer of such bank, without taking good collateral or other ample and specific security therefor, and when such loan, or a loan made to a director of such bank, banking institution or trust company, exceeds in amount ten per cent of its capital stock, it shall not be made until first approved by a majority of the directors of such bank, banking institution or trust company, which said approval shall be entered upon the records of such bank, and the signatures of a majority of the board of directors approving same shall be attached thereto, and be and remain a permanent record of such bank.

Limit to such loans.

What to be excluded in calculating profits.

Section 42. Interest or commissions unpaid, although due or accrued, on debts owing to any bank, shall not be included in calculation of its profits.

Limitation regarding loans on real estate by commercial banks.

Section 43. No commercial bank shall, except for the purpose of facilitating the sale of property owned by the bank, make any loan on the security of real estate, unless it is a first lien and does not exceed 50 per centum of the market value of the real estate taken as security.

When second lien on real estate may be taken.

No commercial bank shall loan in the aggregate more than 35 per centum of its assets on real estate loans of the character specified in this section.

These provisions, however, shall not prevent any bank from taking another and immediately subsequent mortgage or deed of trust thereon when it already holds a first mortgage or deed of trust on such real estate, nor from accepting a second lien on real estate to secure the repayment of a debt previously contracted in good faith; nor shall it prevent subsequent liens of any kind from being taken to secure the payment of a debt previously contracted in good faith when, in the judgment of the directors of such bank, such subsequent liens are necessary further to secure the payment of any debts and save such bank from loss. Provided, the term "commercial bank" as used in this section shall mean a bank organized to do the business specified in Section 4 of this Act, only.

Proviso.

Certified check to be charged to account immediately.

Section 44. Whenever a check drawn on any bank is certified by any officer or employee of such bank, the amount thereof shall be immediately charged against the account of the person, firm or corporation drawing the same. It shall be unlawful for any officer or employee of any bank to certify any check drawn upon such bank unless the person, firm or corporation drawing the check

Shall not be certified, when.

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has on deposit with the bank at the time such check is certified, an amount of money subject to the payment of such check, equal to the amount specified in such check. Any officer or employee of any bank who shall wilfully violate, the provisions of this section, or shall resort to any device, or receive any fictitious obligations, directly or indirectly, in order to evade the provisions hereof, or who shall certify checks before the amount thereof shall have been regularly entered to the credit of the drawer, shall be guilty of a felony.

Penalty.

Section 45. No bank shall demand or receive for loans or discounts a rate of interest exceeding that allowed by law, excepting that it shall be lawful for any bank to receive interest in advance according to the ordinary usages of banking institutions.

Interest shall not exceed lawful rate.

Section 46. When a deposit has been made, or shall hereafter be made, in any bank, in the names of two persons, payable to either, or payable to either or the survivor, such deposit, or any part thereof, or any interest or dividend thereon, may be paid to either of said persons whether the other be living or not; and the receipt or acquittance of the person so paid shall be a valid and sufficient release or discharge to the bank for any payment so made.

Deposits in two names payable to either or survivor.

Section 47. Whenever any deposit shall be made in any bank by any person in trust for another, and no other or further notice of the existence and terms of a legal and valid trust shall have been given in writing to the bank, in the event of the death of the trustee, the same, or any part thereof, together with the interest or dividends thereon, may be paid to the person for whom said deposit was made.

Deposits made in trust payable to whom.

Section 48. Whenever any deposit shall be made in any bank and by and in the name of any minor, the same shall be held for the exclusive right and benefit of such minor and free from the control or lien of all persons whatsoever, except creditors, and shall be paid, with any interest due thereon, to the person in whose name the deposit shall have been made, and the receipt of such minor shall be a sufficient release or discharge for such deposit to the bank.

Deposits by and in name of minor.

Section 49. Demand deposits, within the meaning of this Act, shall comprise all deposits payable within thirty days, and time deposits shall comprise all deposits payable after 30 days, and all savings accounts and certificates of deposit which are subject to not less than 30 days' notice before payment.

"Demand deposits" defined.

"Time deposits" defined.

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Reserve requirements.

Section 50. Every bank, except a reserve bank, shall maintain at all times a reserve of at least fifteen per centum of its deposit liabilities, of which reserve such portion as the Board of Directors may determine may be on deposit in banks approved by the Superintendent of Banks as reserve banks. A bank approved by the Superintendent of Banks as a reserve bank must at all times maintain a reserve of at least twenty-five per centum of its deposit liabilities, of which such portion as the board of directors may determine, may be on deposit in banks approved by the Superintendent of Banks as reserve banks. Any State or National bank in a city of the United States designated as a reserve or central reserve city by the Comptroller of the Currency or the Federal Reserve Board, or in a city of the first or second class in the State of Montana, shall be eligible to designation as a reserve bank by the Superintendent of Banks. Such approval or designation may be withdrawn or withheld at any time for cause.

What banks may be designated reserve banks.

When reserve falls below required amount.

Whenever the reserve of any bank shall fall below the amount required herein to be kept, such bank shall not increase its loans or discounts otherwise than by discounting or purchasing bills of exchange payable at sight or on demand, and the Superintendent of Banks shall notify any bank whose reserve may be below the amount herein required, to make good such reserve, and in case the bank fails, for thirty days thereafter, to make good such reserve, the Superintendent of Banks may notify the Attorney-General, and he shall institute proceedings for the appointment of a receiver and to wind up the business of the bank.

Notice to make up reserve.

Proceedings when reserve not made up.

Compliance with provisions of Federal Reserve Act by member bank considered compliance with this Act.

Estimating reserve.

Any bank which shall become a member of the Federal Reserve Bank Association, and shall in all respects comply with the rules and regulations of that association, shall be deemed to have complied with the provisions of this Act. In estimating the reserve required by this Act the net balance of amounts due to and from other banks shall be taken as the basis for ascertaining the deposits against which reserves shall be determined. No bank shall at any time become indebted, either directly or indirectly, for borrowed money or rediscounts in an amount in excess of its paid up capital and surplus without first obtaining written authority from the Superintendent of Banks.

Limitation on borrowed money.

Debentures of investment company running three years not to be included in deposit liabilities.

Provided, that debentures or certificates of indebtedness issued by any investment company to run for a period of three years or more shall not be included in the "Deposit Liabilities" of said investment company, as affected by the provisions of this section.

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State banking department.

Section 51. There is hereby created a State Banking Department. The State Examiner shall be Ex-Officio Superintendent of the Department and in the discharge of all the duties imposed by this Act he shall be known and designated as the Superintendent of Banks. He shall, if required by the Governor, file an additional bond as Superintendent of Banks in a penal sum not to exceed twenty-five thousand ($25,000) dollars with a surety, or sureties, to be approved by the Governor, conditioned upon the faithful discharge of the duties of his office as Superintendent of Banks. He shall designate one of the deputies of his office as Deputy Superintendent of Banks, who shall, in the absence or inability to act of the Superintendent of Banks, have all the powers and duties of the Superintendent of Banks. He shall also appoint such additional number of deputies, not exceeding four, as he may need, to discharge in a proper manner the duties imposed upon him by law, none of which appointees shall be interested, either directly or indirectly, in any bank. Each deputy shall receive an annual salary of Eighteen Hundred Dollars and traveling expenses. He shall also furnish such bond as the Governor may direct when called upon to perform permanently the duties of the Superintendent of Banks.

Bond which may be required of superintendent of banks.

Deputy superintendent.

Additional deputies and qualifications of.

Reports required of banks, what they shall exhibit, when they shall be filed, etc.

Section 52. Every bank shall make to the Superintendent of Banks not less than five reports during each year, according to the form which may be prescribed by him, verified by the oath or affirmation of the president, vice-president or cashier of such bank, and attested by the signatures of at least two of the directors. Each such report shall exhibit, in detail and under appropriate heads, the resources and liabilities of the bank at the close of business on any past day by him specified; and shall be transmitted to the Superintendent of Banks within five days after the receipt of a request or requisition therefor from him, and in such form as may be required by the Superintendent of Banks it shall be published as soon as possible in a newspaper published in the place where such bank is established, or if there be no newspaper in the place, then in one published nearest thereto in the same county, at the expense of the bank; and such proof of the publication shall be furnished at such times and in such manner as may be required by the Superintendent of Banks.

Publication required.

Declaration of dividend must be reported.

Section 53. In addition to the statement required by the preceding section, every such bank shall report to the Superintendent of Banks within ten days after declaring any dividend, showing the amount of such divi-

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dend and the amount of net earnings in excess of the dividend. Such statement shall be attested as provided for in the attestation of statement by the preceding section.

Special reports may be required by superintendent of banks.

Section 54. In addition to the information obtained from the report required by the provisions of Section 52 of this Act, the Superintendent of Banks shall also have the power to require any bank to furnish a special report in writing, verified as required by Section 52 of this Act, whenever in his judgment such special report is necessary to inform him fully of the actual financial condition and affairs of such bank. Any wilful false statement in the premises shall be perjury and shall be punished as such.

Wilful false statement perjury.

Superintendent shall call for reports, when.

Section 55. The Superintendent of Banks shall call for the reports specified by Section 52 of this Act at least five times each year. The "past day specified" by the Superintendent of Banks under the provisions of Section 52 of this Act shall be on the day designated by the Comptroller of Currency of the United States for reports of national banking associations.

Reports confidential.

Section 56. The information contained in the reports and statements hereinabove provided for, other than such reports as are required to be published, shall be deemed to be for the confidential information of the Superintendent of Banks only, and such information shall not be imparted to any persons who are not officially associated in and with the office of the Superintendent of Banks. and the information therein contained shall be used by the Superintendent of Banks only in the furtherance of his official duties.

Penalty for failure to make reports within five days.

Section 57. If any bank neglects to make out or transmit the statements required by this Act, within five days after call, it shall be subject to a penalty of $20 for each day in default after the periods respectively required by this Act that it may delay to make and transmit any such statements. Should any bank delay for a period of one month to make out and transmit the statements and proofs of publication required by this Act beyond the period when the same is required to be made, or wilfully violate any of the provisions of this Act with reference to said statements and reports, the directors shall be personally responsible for all the debts of such corporation contracted previous to and during the period of such neglect.

Liability of directors because of failure to make reports for period of one month.

False statements and entries deemed felony.

Section 58. Every officer or other person authorized by this Act who wilfully and knowingly makes any false statement of facts, statement of account, or report, and every officer, agent, or clerk of any bank who wilfully

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and knowingly makes any false entries in the books of such bank, or knowingly subscribes or exhibits false papers with the intent to deceive any person authorized to examine such bank, and every person authorized by the provisions of this Act to make statements or reports who wilfully and knowingly subscribes or makes any false statement or report shall be deemed guilty of a felony, and upon conviction thereof shall be imprisoned at hard labor in the state prison for a term of not less than one nor more than ten years.

Insolvency or impairment, duty of superintendent of banks.

Section 59. Whenever the Superintendent of Banks, after a full and careful examination of the affairs of any bank organized under the provisions of this Act, or any foreign corporation or branch thereof doing a banking business in Montana, shall find evidence of impairment or insolvency, he shall immediately prepare and submit a statement of its conditions to the Governor and Attorney-General, and if the Governor and Attorney-General are satisfied from such statement that such impairment or insolvency exists, they shall order the Superintendent of Banks either (1) to notify the Bank's stockholders to make good such impairment or insolvency in a specified time, or (2) to immediately take charge of such bank and to furnish an official bond for such sum as they may designate.

Notice to stockholders to make good impairment or insolvency.

Duty of superintendent of banks when ordered to take charge of bank.

If ordered to take charge of the bank the Superintendent of Banks shall forthwith take possession of its books, records, and assets, and shall be authorized and empowered, and is directed to take such action as, in his judgment, is best for the protection of the depositors and stockholders of such bank.

Property in charge of superintendent of banks not subject to attachment.

While in charge of the Superintendent of Banks, the books, records, and assets shall not be subject to any levies or attachments.

Power of superintendent if impairment or insolvency be not made good.

If the stockholders do not make good the impairment or insolvency within the time required after notification, the Superintendent of Banks is authorized to take charge of such bank, its property and assets, upon direction of the Governor and Attorney-General.

Deputy may be placed in charge, when.

That whenever, in the judgment of the Superintendent of Banks, or upon application of any bank, the interests of the depositors of any bank can be best subserved by placing a deputy superintendent temporarily in charge of such bank, he shall have authority and discretion to do so, and that the actual expenses of the Department in connection therewith shall be paid by such bank.

Receiver appointed, when and how.

Section 60. It appearing necessary to have a receiver appointed for any such bank or banks, the Superintendent of Banks shall make a full and complete statement of

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account and report to the Governor with respect to the condition of its business and affairs; and thereafter, should it appear to the Governor that application should be made for the appointment of a receiver he shall thereupon direct the Attorney-General to file a petition in the District Court of the county in which the bank is situated asking for the appointment of a receiver, in the name of the State of Montana, and such petition shall be controlling and by the court so considered and acted upon, even though stockholders, creditors, or others may have theretofore filed applications for the appointment of a receiver. When any such petition is filed by the State, no suggestion shall be contained therein as to any particular person to be appointed in such capacity. But the court shall appoint some suitable person for receiver, who shall first be nominated by the Superintendent of Banks, and whose compensation shall in no case exceed $500.00 per month. Receivers of all insolvent banks shall make reports to the Superintendent of Banks in the same manner as is required of other banks, at least five times each year when called upon to do so, or at any time when requested by the Superintendent of Banks. Any receiver who refuses to submit the affairs of such bank to an examination by the Superintendent of Banks, or his assistants, or fails to make a report when called for by said officers, or who violates any of the provisions of law relating to examination of banks, shall be subject to removal.

Receiver to be nominated by superintendent of banks.

Receiver subject to removel, when.

Expenses of superintendent to be paid by bank, when.

Section 61. The expense of traveling, hotel bills, and time actually spent by the office of the Superintendent of Banks in performance of the duties imposed by Section 60, shall be paid in full by the bank to the State Treasurer, and by him credited to the State Banking Fund.

Insolvent or impaired banks may receive deposits, how.

Section 62. Whenever any bank shall be insolvent or in an impaired condition in the manner described and set forth in Section 59 of this Act, such bank shall not accept or receive on deposit any money, bank bills, or notes, United States Treasury notes or currency, or other notes, bills, or drafts circulating as money or currency, or transact any other business in connection with its operations, except as trustee for the depositors and parties transacting business with them, and it or they shall keep all such deposits of money, bills or notes, or United States Treasury notes or currency, or other notes, bills, or drafts circulating as money or currency, separate and apart from the general assets of the bank, from and after the date of such notice is given to its officers and stockholders, as set forth in Section 59 of this Act, and which trust deposits shall be kept separate and apart from the general

Such deposits to be kept separate from bank's assets.

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assets of the bank until such impairment or insolvency has been made good, when such deposits received in trust may be transferred to the general assets of the bank on and by written consent of the Superintendent of Banks; provided, that in the event such impairment or insolvency be not made good or removed within the period stated in the notice required in Section 59 of this Act, then any and all such trust deposits shall be returned to the depositors making them; provided, further, that any officer, director, cashier, manager, member, partner, or managing partner thereof, who shall knowingly accept or receive, be accessory to, or permit, or connive at the receiving or accepting of such trust deposits, except in the manner hereinbefore set forth in this section, shall be deemed guilty of a felony, and upon conviction thereof shall be punished by a fine not exceeding $10,000, or imprisonment in the State prison not exceeding five years, or by both fine and imprisonment as aforesaid.

Proviso.

Proviso.

Violation of this section a felony.

Section 63. Any officer, agent, or clerk of any bank, knowing such bank to be insolvent, who receives money, bank bills, notes of the United States, or currency, or other bills or drafts circulating as money or currency, except in the manner set forth in Section 62 of this Act, or who subscribes or makes any false statements or entries in the books of such bank, or knowingly subscribes or exhibits any false paper with the intent to deceive any person authorized to examine as to the condition of such bank, or wilfully subscribes or makes false reports, shall be subject to imprisonment at hard labor in the State prison for a term not exceeding five years.

Penalty for violation of Sec. 62 and making false statements, etc.

Section 64. All duties now required to be performed by, and all responsibilities now imposed upon, the State Auditor under the laws regulating the business of banking, shall hereafter be performed by the Superintendent of Banks, and all papers and reports now on file in the office of the State Auditor pertaining to banks are hereby transferred to the custody of the Superintendent of Banks. The Superintendent of Banks shall exercise a constant supervision, either personal or through the examiners herein provided for, over the books and affairs of all banks doing business within the State of Montana; and shall, through the examiners, visit, at least twice a year, each of said banks and verify the assets and liabilities of each, and so far investigate the character and value of the assets of each as to ascertain with reasonable certainty that the values are correctly carried on the books. He shall further investigate the methods of operation and conduct of business of said banks and their systems of accounting, to ascertain whether such methods and

Duties and record of auditor pertaining to bank transferred to superintendent of banks.

Supervision and examination of banks.

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May examine under oath.

May issue subpoena.

systems are in accordance with law and sound banking principles. He may examine, or cause to be examined by the examiners, on oath, any of the officers, directors, agents, clerks, customers, or depositors of any bank touching the affairs and business thereof, and may, in the performance of his official duties, issue, or cause to be issued by himself or the examiners, subpoenas, and administer or cause to be administered by the examiners, oaths; provided, that in case of any refusal to obey any subpoena issued by him or under his direction, such refusal may at once be reported to the District Court of the district in which the bank is located, and such court shall enforce obedience to such subpoena in the manner provided by law for enforcing obedience to the process of said court. In all matters relating to his official duties the Superintendent of Banks shall have the same power possessed by courts of law to issue subpoenas and cause them to be served and enforced, and all officers, directors, agents and employes of banks doing business under the provisions of this Act, and all persons having dealings with or knowledge of the affairs or methods of any such institution, shall at all times afford reasonable facilities for such examinations, make such returns and reports to the Superintendent of Banks as he may require; attend and answer under oath his lawful inquiries, produce and exhibit such books, accounts, documents and property as he may desire to inspect, and in all things aid him in the performance of his duty.

Report and records of superintendent of banks.

Section 65. The Superintendent of Banks shall keep all proper records and files pertaining to the duties and work of his office, and shall report to the Governor annually touching all of his official acts, giving abstracts of statistics and the condition of the affairs of all banks to which his duties relate, and make such recommendations and suggestions as he may deem proper, which report shall be printed and bound in a satisfactory and substantial manner and distributed among the banks doing business under the provisions of this Act.

Fees to be credited by state treasurer to "State Banking Fund."

Section 66. The fees required to be paid by banks under the provisions of Section 215 of the Revised Codes of Montana, 1907, and Chapter 111, Laws of 1911, to the State Treasurer for the credit of the State Examiner's fund shall hereafter be credited by the State Treasurer to the State Banking Fund, and shall be paid out by the State Treasurer upon warrants drawn against the State Banking Fund for the support and maintenance of the State Banking Department.

Section 67. Title II of Part IV of Division I of the Civil Code of Montana, entitled "Banks and Banking

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Corporations," being the provisions embraced within Sections 3909 to 4015, both numbers inclusive, of the Revised Codes of Montana, 1907, and the Acts amendatory thereof, and all laws in conflict therewith, are hereby repealed. Provided, however, that all corporations heretofore organized under the laws of the State of Montana, and engaged in the business of banking as herein defined at the time this Act goes into effect, shall be continued in existence and effect under the provisions of this Act until the full term for such corporation was originally created has expired, upon such corporation complying with the provisions of this Act, which compliance shall be authenticated by a certificate of the Superintendent of Banks issued upon his first inspection of each bank applying therefor. When no other punishment is provided herein, any person wilfully or knowingly, violating any provisions of this Act, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not more than five hundred dollars or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment. The Attorney General upon information furnished by the Superintendent of Banks, shall bring any actions necessary to enforce the provisions of this Act, and any fine or penalties collected under the provisions of this Act shall be paid to the State Treasurer, and be credited by him to the State Banking Fund.

Repealing Sec. 3909 to 4015, inclusive, Revised Codes of Montana, 1907, and all amendatory and conflicting Acts.

Proviso concerning corporations heretofore organized.

Penalty for violation of provisions of this Act.

Duty of attorney general in enforcement of Act.

Section 68. This Act shall be in full force and effect from and after its passage and approval.

Approved, March 6, 1915.

CHAPTER 90.

"An Act to limit the liability of a bank for non-payment of a check through error."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. No bank shall be liable to a depositor because of the non-payment, through mistake or error and without malice, of a check which should have been paid, unless the depositor shall allege and prove actual damage by reason of such non-payment, and in such event the liability shall not exceed the amount of damage so proved.

Bank not liable when payment of check refused through mistake.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 6th, 1915.

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CHAPTER 91.

"An Act requiring County Treasurers to accept money for the payment of taxes upon real estate, and for the purpose of redeeming real estate from tax sales when the payment is tendered by an owner, mortgagee or person having a lien upon the real estate."

Be it enacted by the Legislative Assembly of the State of Montana:

Lien holder may pay taxes on or redeem real estate.

Section 1. That whenever any person or corporation shall desire to redeem from a tax sale, or to pay any tax upon any lot, piece or parcel of real estate which said person or corporation shall own or hold a mortgage or other lien against, it shall be the duty of the County Treasurer of the County in which such real estate is situated, to permit such redemption or payment; and in case the said real estate shall have been assessed or sold, together with other real estate, or in case the tax assessed against any other property shall be a lien thereon, then it shall be the duty of the said County Treasurer to compute and apportion the tax that should have properly been assessed against the said real estate sought to be redeemed, or upon which the taxes are sought to be paid, if the same had been separately assessed, any personal tax which is a lien upon said real estate shall be likewise computed and apportioned, and upon the payment of the amount so ascertained by said computation and apportionment, to the said County Treasurer, such real estate shall be discharged from the lien of all taxes levied and assessed against the same for the year in which the payment or redemption was made.

Duty of county treasurer.

When property has been assessed or sold with other property.

To compute and apportion the taxes.

Real estate to be discharged from the tax lien, when.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 3. This Act shall take effect and be in full force from and after its passage and approval.

Approved March 6th, 1915.

CHAPTER 92.

"An Act to amend Section 8369, Revised Codes of Montana of 1907, with reference to the observance of Sunday."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 8369 of the Revised Codes of Montana of 1907 be amended to read as follows:

Misdemeanor to keep places of amusement open on Sunday.

"Section 8369. Every person who on Sunday, or the first day of the week, keeps open or maintains, or who aids in opening or maintaining any dance hall, dance

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house, race track, gambling house or pool room, variety hall, or in any other place of amusement where any intoxicating liquors are sold or dispensed, is guilty of a misdemeanor; Provided, however, that the provisions of this Section shall not apply to such dancing halls or pavillions as are maintained or conducted in public parks or playgrounds where no admission is charged, and where good order is maintained, and where no intoxicating liquors are sold.

Dancing halls and pavilions in public parks where no admission is charged excepted.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 6, 1915.

CHAPTER 93.

"An Act relating to grain elevators, grain warehouses, and place where grain is stored; establishing a state grain inspection department and a grain grading commission; providing for the appointment of a Chief Grain Inspector, his deputies, and other employees, prescribing their duties and powers, and fixing their salaries and terms of office; establishing licenses for conducting the business of Public Warehousemen, grain dealers, or track buyers; fixing the fees for inspection and weighing grain under the terms of this Act; substituting this Act for Chapter Forty-seven (47) of the Laws of the Thirteenth Legislative Assembly, and repealing said Chapter Forty-seven (47), but continuing the validity of the appointment of officers, bonds executed, and licenses issued thereunder."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. A department of record for the inspection and weighing and the regulation of the handling, storing, and shipping of grain is hereby established, to be called "State Grain Inspection Department." Said department, hereafter referred to in this Act as "The Department," shall have full charge of the inspection and weighing, and the regulation of the handling, storing, and shipping of grain in the State of Montana, and elsewhere as may be deemed necessary for the protection of the interests of the grain trade and the grain growers of the State.

State Grain Inspection Department created.

The department shall have full charge of what.

Section 2. It shall be the duty of the Governor to appoint a suitable person, to be confirmed by the Senate, who shall be known as the Chief Grain Inspector of the State of Montana, whose term of service shall be designated by the Governor, not exceeding two years, and may

Governor shall appoint the Chief Grain Inspector.

Term of office may be limited to parts of the year.

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May be removed.

Shall not be interested in dealing in grain or its storage.

be limited by the Governor to parts of a year, and who may be removed by the Governor at any time, with or without cause. Said Chief Grain Inspector shall not be interested in the buying or selling of grain, either on his own account or for others, nor shall he be directly or indirectly interested in the handling or storing of grain as a grain warehouseman or on private account, during his term of office.

Governor may appoint a Chief Deputy Inspector.

Powers and duties.

Chief Clerk and his duties.

Other employes.

Nomination and appointment of inspectors.

Duties.

All appointees may be removed by the Governor, without cause.

Section 3. It shall be the duty of the Governor, if he deems it necessary for the proper enforcement of this Act, to appoint a Chief Deputy Inspector, who shall act as assistant to the Chief Grain Inspector, with such powers and authority as may be assigned to him by the Chief Grain Inspector; a chief clerk, to whom shall be assigned the duties of keeping the records and books and such other duties as may be required of him; a Stenographer; and such other employees as may be necessary to properly conduct the business of the department. The Chief Grain Inspector shall recommend to the Governor suitable persons for appointment as Grain Inspectors, who shall be appointed if deemed necessary by the Governor, and who shall perform such duties as may be assigned to them by the Chief Grain Inspector. All appointments provided for in this Section shall be made in the same manner as that of Chief Grain Inspector, except that they need not be confirmed by the Senate; and all persons so appointed may be removed in the same manner as has been provided for the removal of the Chief Grain Inspector.

Official oath.

Bond of Chief Grain Inspector. Bond of Chief Deputy Inspector, and other employes.

Obligation to pay damages.

Fees of Secretary of State for filing bond and issuing commissions.

Section 4. All officers and employees appointed under this Act shall, before entering upon the duties of office, take the constitutional oath of office. The following shall execute bonds to the State of Montana in the following penal sums: The Chief Grain Inspector in the penal sum of ten thousand dollars; the Chief Deputy Inspector in the penal sum of five thousand dollars; the Chief Clerk and each Grain Inspector in the penal sum of two thousand dollars; with sureties, conditioned in the same manner as the bonds of other appointive State Officers or employees; and that each person so bonded will pay all damages to any person or persons who may be injured by reason of his neglect, refusal, or failure to comply with the law or the rules and regulations of the department. For filing oath of office and issuing commission to any person appointed under this Act, the Secretary of State shall charge a fee not exceeding two dollars to each person.

Salary of Chief Grain Inspector.

Section 5. The Chief Grain Inspector shall receive a salary of two hundred and fifty dollars per month; the

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Chief Deputy Inspector shall receive a salary of one hundred and fifty dollars per month; the Chief Clerk and each Grain Inspector shall receive a salary of one hundred and twenty-five dollars per month; the Stenographer shall receive a salary of one hundred dollars per month. The Chief Grain Inspector, the Chief Deputy Inspector, and the Chief Clerk shall receive all actual and necessary traveling expenses, paid in cash, while attending to their official duties. Each Grain Inspector, if assigned to traveling duties, shall receive all actual and necessary traveling expenses, paid in cash, and if assigned to an inspection point, shall receive all actual and necessary traveling expenses, paid in cash, incurred in going to or returning from the place to which he is assigned to work. All salaries and expenses shall be paid monthly in the same manner as the salaries and expenses of other appointive state officers or employees.

Salaries of Chief Clerk and inspectors. Salary of stenographer.

Traveling expenses.

When salary and expenses to be paid.

Section 6. The Chief Grain Inspector shall have the general management of the affairs of the department and the supervision of the inspection, weighing, handling, storing, and shipping of grain, as provided for in this Act or the laws of the State. He shall establish necessary rules and regulations therefor and for the management of the grain warehouses, grain elevators, and public warehouses in this State, subject to the approval of the Governor, such rules and regulations as may be necessary to enforce the provisions of this Act, or any laws of this State in regard to the same. All such rules and regulations shall be published in three consecutive issues of at least three newspapers of general circulation in this State, and at least once in a farm journal published in this State. It shall be the duty of the Chief Grain Inspector to keep records of all the inspecting and weighing done by the department, of all licenses issued, and of all other work performed by the department, for which purpose he shall have provided books, blanks, and other material needed in order to keep perfect and proper records. He shall investigate all complaints of fraud or oppression in the grain trade and correct the same, so far as may be in his power.

Chief Grain Inspector's control and management of department.

To establish rules and regulations for management of grain warehouses, elevators, etc.

Publication of rules and regulations.

Records to be kept by Chief Grain Inspector.

Complaints of fraud and oppression to be investigated.

Section 7. The Chief Grain Inspector shall have his office at the State Capitol in the City of Helena. He shall furnish any grain dealer in the State with standard samples of the different grades of grain, as established by official inspection, whenever requested to do so, at the actual cost of such samples, when it is possible to secure them. He shall place a grade and determine the dockage on any samples of grain that may be sent to him, for which service no charge shall be made. He shall cause to

Office.

To furnish standard samples of grades of grain.

To grade and determine dockage of samples sent him free of charge.

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Certificates of weights and inspection to be forwarded to owner or consignee. Authority to break seal of cars for purposes of inspection.

be forwarded to the owner or consignee of any grain inspected or weighed, a certificate of inspection or weight, as the case may be, whenever the name and address of such owner or consignee is known to the department. The Chief Grain Inspector, or any officer or employee of the department, is hereby authorized to break the seals of any carload of grain for the purpose of entering car for inspection, at any place in the State, and also to reseal any such car; provided, a record of each seal broken and each seal replaced, with the car number, must be kept and turned over to the nearest agent of the common carrier in whose possession the car is at the time of such inspection. Cars shall not be left open or without seals any longer than is actually necessary to properly perform the work of inspection.

Record to be kept of same.

Misdemeanor for any officer or employe to neglect or carelessly perform his duty or accept a bribe.

Section 8. Any officer or employee of the department who shall be guilty of neglect of duty, or who shall knowingly or carelessly perform his duties improperly, or who shall accept money or other valuable thing or consideration, directly or indirectly, in consideration of the performances, or the non-performance or neglect of any duty, or any other matter or thing concerning his office or employment, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in a sum not exceeding five hundred dollars, or imprisonment not more than six months in the county jail, or shall suffer both such fine and imprisonment.

Penalty.

Felony to bribe or offer to bribe any officer or employe.

Penalty.

Section 9. Any person who shall bribe or offer to bribe any of the officers or employees of the department appointed under this Act, shall be deemed guilty of a felony and shall be punished as provided for in Section 8178 of the Revised Codes.

Monthly reports to be filed by Chief Grain Inspector of fees and money collected.

Section 10. It shall be the duty of the Chief Grain Inspector, on or before the 10th day of each month, to file with the State Auditor a report under oath, showing in detail the amount of work performed by the department during the preceding month for which compensation was received or charged for, and the amount of revenue collected by the department; and at the time of filing such report, pay to the State Treasurer all moneys received by the department during the month for which report was made.

What the word "grain" used in Act or rules shall embrace.

Section 11. Where the word "grain" is used in this Act, or in the rules and regulations of the department, it shall be held to mean also flaxseed, except where specifically referred to as flax or flaxseed.

"Inspection" defined to embrace weighing.

Section 12. Where the word "inspection" is used in this Act, it shall be held to mean also the weighing of grain without extra charge whenever proper facilities are

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provided for weighing. All Grain Inspectors shall be weighers also. When deemed advisable for the best interest of any party concerned, inspection may be made without weighing or weighing without inspection. The fees provided for inspection shall apply to either inspection or weighing when done separately, or to both when there is inspection and weighing of the same lot of grain.

Inspectors shall be weighers also.

Fees shall apply to what.

Section 13. Inspection of grain shall be established at such points as may be deemed necessary by the Chief Grain Inspector, subject to the approval of the Governor, and for such inspection that may be performed by the department, a fee, not exceeding twenty-five cents for each wagon load or one dollar for each car load, shall be paid by the owner of such grain. Any lot of grain, not in cars or wagons, that may be inspected shall be charged for at the rate of not less than twenty-five cents for each lot or more than one dollar for each thousand bushels. Inspection may be established at points where the expenses of such inspection are guaranteed by responsible parties, and also at such points where competent inspectors may be secured who will accept the fees fixed by the Chief Grain Inspector in lieu of all other compensation. Inspectors appointed under the fee system shall be subject to all the provisions of this Act relating to Grain Inspectors, except in regard to salary and expenses. Special arrangements may be made for inspection at points where regular inspection has not been provided for and fees may be charged sufficient to cover the actual expense incurred in the work. All inspection fees provided for in this section shall be paid to the department by the purchasers or consignees.

Inspection of grain shall be established, where.

Limit of fee for inspection.

Points where inspection may be established.

Inspectors appointed under the fee system.

Fees for special inspections.

To be paid by whom.

Section 14. The Chief Grain Inspector is hereby authorized to establish, with the approval of the Governor, the inspection of any grain grown in this State that may be in transit destined to points either in this State or elsewhere, when such inspection is deemed necessary for the protection of the interests of the State, or of the grain trade or grain growers of the State. The fees for such inspection shall not exceed one dollar per carload and shall be collected from the common carriers in whose possession the grain may be at the time of inspection, and shall by such common carriers be paid to the department. Such inspection fees shall be treated by the common carriers as advanced charges and may be collected by them with the freight. The Chief Grain Inspector may make such arrangements with the common carriers for settlement with the department as may be approved by the Governor, but shall have the right and authority to demand of the common carriers, and to receive from them

When inspection of grain in transit may be established.

Fees for inspection of grain in transit, to be paid by whom.

Arrangements with carriers for paying inspection fees.

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Places of inspection to be designated by Chief Grain Inspector.

all such inspection fees, at the time such inspection is done. The places at which such inspection shall be done shall be designated by the Chief Grain Inspector, with the approval of the Governor, and, when deemed necessary for the purpose of facilitating the movement of cars, it may be done at points outside the State of Montana.

May be outside of State, when.

When inspection points are established outside the State of Montana, it may be done only when the common carriers agree that it shall have the same effect under this Act as if done in the State of Montana, and that the penalties for the violation of this Act shall not be altered in any manner thereby.

Grain inspectors at terminals or markets outside of the State.

Section 15. The Chief Grain Inspector may, with the approval of the Governor, assign Grain Inspectors to represent the State of Montana at terminals or grain markets outside the State, when it appears that conditions at such terminals or grain markets justify such assignments.

Duty of owners to have all grain inspected shipped to points where inspection has been established.

Section 16. Whenever and wherever inspection of grain is established in the State, as provided in this Act, it shall be the duty of the owner or owners of any grain sold or delivered at, or taken or shipped to any place where inspection has been established, to cause all of such grain to be inspected and weighed by the official grain inspector at such place, and fully paid to such inspector the fees established as herein provided, and to deliver to the purchaser or consignee of such grain the certificate of inspection and weights.

Inspection fees a lien on the grain.

Section 17. The fees for inspection, fixed under this Act, shall be a lien on the grain inspected.

How and when inspection fees may be changed.

Section 18. Inspection fees provided for in this Act may be changed from time to time (within the limit named in the Act) by the Chief Grain Inspector, with the approval of the Governor. Such changes may not be made oftener than once in six months and notice of such changes must be published in the manner provided for the publication of the rules and regulations of the department. Said changes may not become effective within thirty days of the date of first publication. Common carriers, on whose lines inspection of grain in transit has been established, shall be given thirty days' notice, through their legal representatives, of any changes in inspection fees.

Publication of changes.

Notice to common carriers.

How and when a re-inspection may be had.

Section 19. Any interested party, who may be aggrieved by the grade placed on any lot of grain, may call for the reinspection of the same by depositing one dollar with the Chief Grain Inspector. When reinspection is called it shall be the duty of the Chief Grain Inspector or the Chief Deputy Inspector to place a grade on such

Duty in re-inspection.

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grain. If the grade is changed in favor of the party calling the reinspection, the deposit of one dollar shall be refunded to him; and if not changed in his favor the deposit shall be placed with other funds of the department. No claim for reinspection may be allowed after ten days from the date of original inspection. Grades fixed by reinspection shall be final.

When re-inspection fee to be returned.

Limit of time in which re-inspection may be had.

Section 20. The refusal to permit inspection of grain under this Act, or the attempt to hinder any officer or employee of the department in the discharge of his duties, shall constitute a misdemeanor and, upon conviction, shall be punishable by a fine of not less than twenty-five dollars nor more than five hundred dollars.

Refusing or hindering inspection a misdemeanor.

Penalty.

Section 21. The official inspection of grain in this State must be performed by such persons as may be duly appointed and qualified according to law, and any person who shall act as official inspector of grain, who has not been first duly appointed and qualified, shall be deemed guilty of a misdemeanor.

Official inspection to be made by whom.

Unauthorized persons acting as officer a misdemeanor.

Section 22. A Grain Grading Commission is hereby established, which shall consist of the Chief Grain Inspector, the Chief Deputy Inspector, and the instructor in charge of the Department of Agronomy at the State Agricultural College, and which shall each year, on a date to be fixed by the Chief Grain Inspector, establish a grade for all kinds of grain grown or handled in this State, which shall be known as "Montana Grades." Notice of such meeting shall be published in at least three newspapers of general circulation in the State, for three consecutive insertions prior to the date fixed for such meeting; and the grades established shall be published in the manner provided in this Act for the publication of the rules and regulations of the department.

Grain Grading Commission established, consisting of whom.

Annual establishment of grade for all kinds of grain.

Montana Grades.

Publication of notice of meeting.

Section 23. The word "warehouse," wherever used in this Act, shall be held to mean any grain elevator, warehouse, flour mill, or other building in which grain is stored, or handled with a view of shipping therefrom in carload lots, or used for milling grain.

The word "warehouse," as used in Act, defined.

The term "public warehouse," wherever used in this Act, shall be held to mean any warehouse in which grain is stored in such manner that the grain of various owners is mixed together and the identity of the different lots or parcels not preserved.

"Public warehouse" defined, as used in Act.

Section 24. Each person, firm, association, or corporation engaged in the business of buying grain for shipment in carload lots, or for milling, shall be required to be licensed by the department, and all such grain buyers shall be classified as follows: those operating warehouses (not public warehouses) to be known as grain dealers,

Grain dealers and buyers to be licensed and classified.

Grain dealers.

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and to be licensed as such; those operating public warehouses to be known as public warehousemen, and to be licensed as such; those operating neither warehouse nor public warehouse to be known as track buyers, and licensed as such.

Public warehousemen.

Track buyers.

Application for license to recite, what.

Section 25. Before any license may be issued application shall be made to the department in writing, setting forth the name and address of the applicant, the name and address of each person interested in the ownership or management of the business (if a corporation, the name and address of the president and secretary only shall be required), the address of the main office or headquarters of applicant, the form of license desired, the location and capacity of each warehouse or public warehouse operated by applicant, whether owned or leased by applicant, and such other information as may be required by the rules and regulations of the department.

Duty of Chief Grain Inspector to issue license, number and to whom.

Section 26. It shall be the duty of the Chief Grain Inspector to issue licenses upon receipt of application in proper form,—one grain dealer's license for each warehouse for which application is made; one public warehouseman's license for each public warehouse for which application is made and bond filed, as hereinafter provided for; one track buyer's license upon each application, when bond is filed as hereinafter provided for. All licenses shall give authority to carry on and conduct the businesses of grain dealer, public warehouseman, or track buyer,—as the case may be,—in accordance with the laws of the State, and shall be revocable by the Chief Grain Inspector, after approval of his decision by the Attorney General, upon complaint being made in writing, setting forth the particular violation of the law, and upon due notice and hearing and sufficient proof. Violations of this Act, or of the laws of the State, or of the rules and regulations of the department, will be considered sufficient cause for the revoking of licenses. The Chief Grain Inspector may refuse to issue licenses to any person or concern whose licenses have once been revoked.

Authority to be given by license.

May be revoked, when and how.

Violation of any law of State a ground for revoking a license.

Bond to be filed with Secretary of State by public warehousemen.

Amount.

Conditions.

When one bond only shall be required.

Section 27. Before receiving a public warehouseman's license each applicant shall file with the Secretary of State a bond to the State of Montana, for the benefit of all parties interested, with sureties to be approved by the Chief Grain Inspector, in the penal sum of not less than ten thousand dollars nor more than one hundred thousand dollars, in the discretion of the Chief Grain Inspector, conditioned upon the faithful performance of all duties as a public warehouseman and full compliance with the laws of Montana, enacted or to be enacted in relation thereto; provided, that when application is made for

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more than one license for public warehouses operated by the same concern, but one bond shall be required. A fee of one dollar shall be paid to the Secretary of State for filing each bond.

Fee for filing bond.

Section 28. Before receiving a track buyer's license each applicant shall file with the Secretary of State a bond to the State of Montana for the benefit of all parties interested, with sureties to be approved by the Chief Grain Inspector, in the penal sum of ten thousand dollars, conditioned upon the faithful performance of all duties as a track buyer and full compliance with all the laws of Montana enacted or to be enacted in relation thereto. A fee of one dollar shall be paid to the Secretary of State for the filing of each bond.

Track buyer's bond to be filed.

amount and conditions of bond.

Fee on filing.

Section 29. Any person who shall transact the business of grain dealer, public warehouseman, or track buyer, without first procuring license as hereinbefore provided, or who shall continue to transact any such business after such license has been revoked (save only that public warehousemen shall be permitted to deliver property previously stored) shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in a sum of not less than twenty-five dollars nor more than one hundred dollars. Each day that any such business is carried on without a license shall constitute a separate offense.

Misdemeanor for grain dealers, public warehousemen or track buyers to transact business without a license.

Penalty.

Section 30. It shall be the duty of every public warehouseman to receive for storage any grain, dry and suitable for warehousing, that may be tendered to him in the usual course of such business, not making any discrimination in the persons desiring to avail themselves of storage facilities. No public warehouseman shall be required to receive grain for storage in any warehouse where there is not sufficient room to store it properly, or in cases where such warehouse is necessarily closed. If grain going into or out of public warehouses is inspected by the State, the fees for such inspection shall be paid by the public warehouseman and added to the charges for storage. The Chief Grain Inspector may recover all inspection fees from the public warehouseman, in case the same shall not have been paid to the State, by an appropriate action.

Duty of public warehousemen to receive and store grain offered.

Excused when.

When fees for inspection to be paid by public warehousemen.

Fees may be paid to Chief Grain Inspector.

Section 31. It shall be the duty of each public warehouseman to issue to the owner of the grain, or to his order, a storage receipt for each lot of grain received into store by him. Storage receipts shall be consecutively numbered in such manner that no two receipts bearing the same number shall be issued from one warehouse in the same year, except in the case of a lost or destroyed receipt, when a duplicate may be issued bearing the same

Storage receipts.

To be consecutively numbered.

Duplicates may be issued, when.

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What receipts shall show.

date and number as the original and plainly marked "Duplicate." Each storage receipt shall bear date corresponding with the date of the receipt of the grain for storage; shall show on its face the kind and grade of grain received and that it has been stored with grain of the same kind and grade; shall bear the name of the concern issuing it and the place of issue (with headquarters or main office, if elsewhere); the name of the person grading and weighing the grain; the weight in pounds, gross, tare, and net; the gross bushels; the dockage (if any); and the net bushels and that a similar quantity and grade of grain shall be deliverable upon the return of the storage receipt properly endorsed by the person to whose order it was issued, and the payment of the proper charges for storage and handling. Storage receipts shall indicate that stored grain is insured for the benefit of the owner and shall show the rates of storage provided for in this Act. Storage receipts must be in such form as may be prescribed by the Chief Grain Inspector. No public warehouseman shall insert in any storage receipt any language limiting or modifying his liabilites or responsibilities, as imposed by law.

Grain to be delivered upon surrender of receipt and payment of charges.

Section 32. On the return and surrender of any storage receipts and payment of lawful charges, the grain represented therein shall be immediately deliverable to the owner or his order and the storage receipt shall be marked "Cancelled" upon its face, and the grain shall not be subject to any further charges for storage after demand for delivery shall have been made and facilities for receiving the same have been provided. If not delivered within twenty-four hours after such demand, the public warehouseman shall be liable to the owner for all damages occasioned thereby; provided, that if he shall deliver to different owners in the order demanded and as rapidly as it can be done by ordinary diligence, he shall not be held in default.

Liability of warehousemen if grain not delivered within 24 hours.

Order of delivery.

Records to be kept by public warehousemen.

Form of records.

Reports of public warehousemen to Chief Grain Inspector.

Section 33. Public warehousemen shall keep records of each lot of grain received into store, of each receipt issued, and of each receipt canceled by the delivery or purchase of the grain. Such records shall be in such form as may be prescribed by the Chief Grain Inspector. Public warehousemen shall make reports (under oath) to the Chief Grain Inspector whenever requested to do so, of the amount of grain received into store and delivered from store and in what manner delivered, and any other information that may be demanded of them relating to the storage of grain; and shall permit the examination of all books, records, and warehouses by any duly authorized

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officer or employe of the State at any time during business hours. Examination of his books.

Section 34. Stored grain may be delivered, in carload lots, at the option of the owner, at any terminal elevator or at any station on the line of the same railroad where it was originally stored, upon the payment of the necessary charges for freight and other charges provided for in this Act. Stored grain may be delivered in carload lots, when and where.

Section 35. The delivery of grain to any public warehouseman for storage, although it may be mixed with that of others, or shipped or removed from the original place of storage, shall be deemed a bailment, and not a sale. What delivery of grain deemed a bailment.

Section 36. The charges for storage of grain except flax, in public warehouses shall not exceed the following rates: for receiving, elevating, insuring, and delivering, and the first fifteen days storage, or part thereof, two cents per bushel; for storage thereafter one-half cent for each fifteen days, or part thereof, until it shall have been in store ninety days, and thereafter one-half cent for each twenty days, or part thereof. For flax, the charges for the first fifteen days, or part thereof, shall be three cents per bushel, and thereafter the same as on grain. Storage charges. For flax.

Section 37. Public warehousemen shall be held responsible for any loss or damage to grain by fire while in their custody, and for loss by heating unless it is proven that such loss or damage by heating was not caused by any lack of care on the part of such public warehouseman, his servants or agent. Any public warehouseman guilty of any act or neglect the effect of which is to depreciate any property in his custody, shall be held responsible therefor to the person damaged thereby, and the bond of such public warehouseman shall be held for all damages so occasioned. Liability of public warehousemen for fire and heating. Other liabilities.

Section 38. Any person, firm, public warehouseman, corporation, or officer or employe thereof, or any public officer who shall use any false weights or measures, or any weights, measures, or measuring device, or scales, not tested and sealed by the State Sealer of Weights and Measures, as required by law, or who shall give or return any fraudulent or false weights or measures of any grain, wagon, car, or other vehicle in which such grain is or has been weighed, or of any container of grain, or who shall take more dockage on any lot of grain than the amount that actually exists in such lot of grain, or who shall take dockage on any other grains than those on which dockage is taken at the terminal markets in the State of Minnesota, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars ($25.00) or more than three hundred Using false or other prohibited weights or measures. Exacting excessive dockage. Misdemeanor. Penalty.

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dollars ($300.00), or by imprisonment in the county jail for not less than sixty (60) days, or more than one (1) year, or by both such fine and imprisonment.

Records to be kept by all grain dealers, public warehousemen and track buyers.

Section 39. All grain dealers, public warehousemen, and track buyers licensed under this Act shall keep proper and correct records of all grain bought, shipped, milled, or sold by them, designating the kind and grade of each lot, the true weights, gross and net, and the dockage (if any); all such records to be in such form as shall be prescribed by the Chief Grain Inspector; and they shall be required to make such reports under oath, as may be requested of them, and at such times as may be designated by the Chief Grain Inspector. All such books and records and all warehouses and public warehouses shall at all times during business hours be open to the inspection of the Chief Grain Inspector or any duly authorized officer or employe of the State.

Form of records.

Reports which may be required under oath.

Records to be open to examination by inspector.

Authority given department to make examinations.

Section 40. Authority is hereby given to the department to examine the records of any grain dealer, track buyer, or public warehouseman; the contents of any warehouse or public warehouse; the records of any common carrier engaged in transporting grain in the State, either to points within or outside the State.

Cleaning of grain and charges.

Section 41. When cleaning facilities are provided in any warehouse or public warehouse, grain shall be cleaned at the request of the owner for not exceeding one cent per bushel. Screening shall be delivered to the owner of the grain upon demand.

Grain Inspection Fund established.

Moneys to be paid said fund and salaries and expenses to be paid out of it.

Funds to be transferred to the Grain Inspection Fund

Section 42. A fund is hereby established, to be known as the Grain Inspection Fund, which fund shall be credited by the State Treasurer with all moneys deposited by the State Grain Inspection Department, as in this Act provided, and all salaries and expense of the department, authorized by law, shall be paid out of and charged to the said Grain Inspection Fund. The State Treasurer is hereby authorized to transfer to the Grain Inspection Fund any funds in the State Treasury available for the use of the department at the time this Act may become effective.

Governor may reduce fees and charges, when.

Increasing fees and charges.

If, in the opinion of the Governor, the Grain Inspection Fund is larger than is necessary to properly conduct the work of the department, the fees or charges shall be reduced, at the time and in the manner provided for in this Act. In like manner the fees or charges may be increased, within the limit named in this Act, if deemed advisable by the Governor for the proper enforcement of this Act.

Violations of provisions of Act by certain companies, persons, etc., a misdemeanor.

Section 43. The violations of any of the provisions of this Act, not specifically provided for in the various sections thereof, by any railroad company, common

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carrier, person, firm, association, corporation, or any employe, agent, representative, or officer thereof, shall constitute a misdemeanor and shall, upon conviction, be punishable by a fine of not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00) for each offense. Penalty.

Section 44. It shall be deemed a felony for any person, either as an individual or as an officer, agent or employe, or in the name of any corporation, person, firm, or association, to issue a false or fraudulent storage or warehouse receipt, or any receipt which purports to be or is represented to be a receipt for grain stored or for storage, when such grain has not been received, or for a greater quantity than has been received or stored; or to, in any manner, issue or refuse to issue a storage receipt, for the purpose of defrauding any person or persons, company, or corporation; and any person convicted thereof shall be punished by a fine of not less than one thousand dollars ($1000.00) or more than five thousand dollars ($5000.00), or by confinement in the State penitentiary for not less than one year or for more than five (5) years, or by both such fine and imprisonment. False or fraudulent receipts, issuing a felony. penalty.

Section 45. The Attorney General shall be ex-officio attorney for the department and shall give all necessary advice to the department. All criminal prosecutions shall be made in the name of the State of Montana by the Attorney General or proper county attorney. Duty of the Attorney General. Criminal prosecutions.

Section 46. This Act shall be a substitute for Chapter forty-seven (47) of the Laws, Resolutions and Memorials of the State of Montana, passed by the Thirteenth Regular Session of the Legislative Assembly, in its entirety, and said Chapter forty-seven (47) is hereby repealed; but said repeal shall not affect the validity of or the continuing in force of the appointment of any officer thereunder, or his term of office or his official bond, or any bond given or any license issued in pursuance of the provisions of said repealed chapter. Act a substitute for what. Repealing Chap. 47 of Laws of 1913. Repeal not to effect what.

Section 47. All Acts and parts of Acts in conflict with this Act are hereby repealed. Conflicting Acts repealed.

Section 48. This Act shall be in full force and effect from and after its passage and approval.

Approved March 8th, 1915.

CHAPTER 94.

"An Act to amend Sections 9 and 17 of Chapter 86 of the Laws of the Thirteenth Legislative Assembly of the State of Montana, entitled: 'An Act providing for the execution, filing, renewal, and foreclosure of chattel

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mortgages; defining the rights of subsequent mortgages; providing penalty for the violation of the provisions of this Act; prescribing the procedure and practice in attaching mortgaged property; providing that chattel mortgages now in force shall not be affected by the provisions of this Act; and repealing Sections 5757, 5758, 5759, 5760, 5761, 5762, 5763, 5764, 5765, 5766, 5767, 5768, 5769, 5770, 5771, 5772, 5773 of the Revised Codes of the State of Montana of 1907,' respecting the filing of chattel mortgages, providing for the protection of creditors against the effect of unsatisfied chattel mortgages in whole or in part, and providing penalty for the removal of personal property under chattel mortgage from the county in which it is situated at the time of the execution of the mortgage."

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Sec. 9 of Chap. 86 of Laws of 1913.

Section 1. That Section 9 of Chapter 86 of the Laws of the Thirteenth Legislative Assembly of the State of Montana, entitled, "An Act providing for the execution, filing, renewal, and foreclosure of chattel mortgages; defining the rights of subsequent mortgages; providing penalty for the violation of the provisions of this Act; prescribing the procedure and practice in attaching mortgaged property; providing that chattel mortgages now in force shall not be affected by the provisions of this Act; and repealing Sections 5757, 5758, 5759, 5760, 5761, 5762, 5763, 5764, 5765, 5766, 5767, 5768, 5769, 5770, 5771, 5772, 5773, of the Revised Codes of the State of Montana of 1907," be, and the same is hereby amended to read as follows:

Mortgaged personal property may be taken upon attachment, how.

"Section 9. Personal property mortgaged may be taken on attachment or execution issued at the suit of a creditor of the mortgagor; but before the property is so taken, the officer must pay or tender to the mortgagee the amount of the mortgage debt and interest, or must deposit with the County Treasurer of the county in which the mortgage is filed, payable to the order of the mortgagee; and when the property then taken is sold under process, the officer must apply the proceeds of the sale as follows:

Proceeds of sale to be applied, how.

1. To the repayment of the sum paid to the mortgagee, with interest from the date of such payment; and

2. The balance, if any, in like manner as the proceeds of sales under execution are applied in other cases. The holder of any chattel mortgage of record shall, upon fifteen (15) days' notice in writing served upon him in person by any creditor of the mortgagor seeking to satisfy a judgment or demand of such creditor against

Mortgagee in a recorded chattel mortgage required, upon 15 days' notice, to file affidavit.

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the mortgagor, be required to make and file in the office of the County Clerk and Recorder of the county in which the property is situated or in which the mortgage is filed, an affidavit showing the amount of the indebtedness then actually due and owing to the mortgagee, and such affidavit shall state the amount of the original obligation for which the chattel mortgage was given as security, and all additional advancements of money or property on the principal obligation since the date of the execution of the mortgage, and all payments of whatsoever kind, whether on principal or interest, made by the mortgagor to the date of the execution of such affidavit by the mortgagee, and showing the balance then remaining due and unpaid to the mortgagee. If within fifteen (15) days from the service of any such demand in writing on the mortgagee by any creditor of the mortgagor the mortgagee shall fail, refuse, or neglect to file the affidavit herein required, the mortgage shall be of no force or effect as against such creditor upon the seizure of any such personal property on attachment or execution. In the event the amount shown to be due is paid to the County Treasurer, or to the mortgagee, in satisfaction of the mortgage by any attaching or execution creditor against the mortgagor, the mortgagee shall be required to surrender to the County Treasurer the note or other evidence of indebtedness, secured by the chattel mortgage, and pay any amount of tax due the State or county thereon at such time which said note or other evidence of indebtedness shall be delivered by the mortgagee or County Treasurer to the attaching or execution creditor. In the event the property is sold on execution, such attaching creditor shall be required to deliver to the mortgagor the note or other evidence of indebtedness by him obtained from the mortgagee when the property is sold for the amount of the mortgage indebtedness, or an amount in excess thereof."

Affidavit must show.

Failure of mortgagee to file affidavit.

Duty of mortgagee when amount due on mortgage is paid to county treasurer or said mortgagee.

Duty of attaching creditor when mortgaged property is sold on execution.

Section 2. That Section 17 of Chapter 86 of the Laws of the Thirteenth Legislative Assembly of the State of Montana, entitled, "An Act providing for the execution, filing, renewal, and foreclosure of chattel mortgages; defining the rights of subsequent mortgages; providing penalty for the violation of the provisions of this Act; prescribing the procedure and practice in attaching mortgaged property; providing that chattel mortgages now in force shall not be affected by the provisions of this Act; and repealing Sections 5757, 5758, 5759, 5760, 5761, 5762, 5763, 5764, 5765, 5766, 5767, 5768, 5769, 5770, 5771, 5772, 5773 of the Revised Codes of the State of

Amending Sec. 17 of Chap. 86, Laws of 1913.

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Montana of 1907," be, and the same is hereby amended to read as follows:

A misdemeanor for any mortgagor, with certain exceptions, to remove from the county or to sell, without consent of mortgagee, the property or the crop from the land.

"Section 17. Any person who has executed a mortgage upon personal property, except locomotives, engines, rolling stock of a railroad, steamboat machinery and vessels in actual use, who shall, during the existence of the lien or title created by such mortgage, remove the same from the county where said property was situated at the time of the execution of the mortgage, or in case of a mortgaged crop, from the land in which the same was grown, or sell or remove said property or crop, or any part thereof, without the consent in writing of the mortgagee first had and obtained, shall be guilty of a misdemeanor, but if such sale be made or removal had with intent to deprive the mortgagee of his claim thereto and interest thereon, such person is guilty of larceny and shall be punished in the same manner and to the same extent as for larceny of the property so removed or disposed of."

Such sale or removal, made to defraud mortgagee, a larceny. Punishment.

Repealing clause.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1915.

CHAPTER 95.

"An Act creating certain funds in the State Treasury to provide for retirement of public school teachers; providing for the creation of these funds by contributions from teachers, investment of funds, gifts to funds, and appropriations: providing for the custody and management of these funds; providing for the collection, condition of investment and condition of distribution of the funds; providing for the creation of boards to have charge of the funds, and prescribing the duties and powers of such boards; providing for place of meeting of such board; providing for help and expenditures for such board in meeting and carrying out the provisions of this Act; providing conditions under which teachers may receive distribution of these funds, including the amount of time and term of payment."

Be it enacted by the Legislative Assembly of the State of Montana:

Establishment of "Public School Teachers' Retirement Salary Fund" and "Public School Teachers' Permanent Fund."

Section 1. There are hereby established two funds in the State Treasury to be known, respectively, as the Public School Teachers' Retirement Salary Fund and the Public School Teachers' Permanent Fund. The Public School Teachers' Permanent Fund shall be made up of

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all moneys received from the following sources or derived in the following manner:

Sources of "Public School Teachers' Permanent Fund."

(1). All contributions made by teachers as hereinafter provided;

(2). The income and interest derived from the investment of the moneys contained in such fund;

(3). All donations, legacies, gifts and bequests which shall be made to such fund, and all moneys which shall be obtained or contributed for the same purposes from other sources;

(4). Appropriations made by the State Legislature from time to time to carry into effect the purposes of this Act.

"Public School Teachers' Retirement Fund" shall be made up of what moneys.

Section 2. The Public School Teachers' Retirement Salary Fund shall be made up of such moneys as shall be transferred from time to time, under authority of this Act, from the Public School Teachers' Permanent Fund.

Duty of State Treasurer upon proper notice to transfer funds.

Section 3. It shall be the duty of the State Treasurer when notified by the Public School Teachers' Retirement Salary Fund Board, or by the State Superintendent of Public Instruction, under authority of this Act, to make such transfers of such amounts from the Public School Teachers' Permanent Fund to the Public School Teachers' Retirement Salary Fund, as will be sufficient to meet the claims which may be legally drawn against said Public School Teachers' Retirement Salary Fund.

Monthly contributions from each teacher's salary, to be made how.

Section 4. There shall be deducted from the salary of every teacher, subject to the provisions of this Act, one dollar from the compensation paid to such teacher for every month for which such teacher receives compensation, and every official whose duty it is to pay such teacher's salary shall make said deduction at the time of payment, and shall at the end of each quarter draw a warrant in favor of the State Treasurer for the amounts deducted. The amounts thus deducted shall be deposited in the State Treasury to the credit of the Public School Teachers' Permanent Fund, and shall constitute a part thereof.

Amounts to be credited to permanent fund.

What necessary for a teacher to receive the benefits of this Act.

Section 5. No person shall be eligible to receive the benefits of this Act who shall not have paid into said Public School Teachers' Permanent Fund an amount equal to twelve dollars for each year of service, up to and including twenty-five years; provided, however, that the difference between the amount actually paid by such teacher of twenty-five years' service and three hundred dollars may be paid into said fund by such teacher at the time of retirement, with the same effect as if the full sum of three hundred dollars had been paid at the rate of twelve dollars per year before retirement; or the sum of

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twenty dollars per month be withheld from such teacher's retirement salary until the amount so withheld shall equal the difference between the said sum of three hundred dollars and the amount theretofore paid into said fund by such teacher.

Who shall constitute the Public School Teachers' Retirement Salary Fund Board.

Section 6. The Superintendent of Public Instruction, the Treasurer and the Attorney General of the State of Montana, shall constitute the Public School Teachers' Retirement Salary Fund Board.

Power and duties of board.

Section 7. The Public School Teachers' Retirement Salary Fund Board, subject to the provisions of this Act, shall have power and it shall be its duty:

(1). To approve and allow retirement salaries to public school teachers and certain school officers entitled to the same under the provisions of this Act.

(2). Through one of its members designated by it for that purpose, to certify all claims and demands against the Public School Teachers' Permanent Fund and the Public School Teachers' Retirement Salary Fund, including all retirement salary demands to the State Board of Examiners, who shall audit same and direct the State Auditor to draw his warrant therefor upon the State Treasurer, payable out of said fund; provided, that no demand shall be allowed except after resolution duly passed at a meeting of the Board by a majority of its members, which adoption shall be attested by the secretary.

(3). To require the boards of education, school trustees and other public authorities and all officers having duties to perform in respect to the contributions by teachers to said permanent fund, to report to the Board from time to time as to such matters pertaining to the payment of such contributions as it may deem advisable.

(4). To invest the moneys in the permanent fund in securities, and to collect the income therefrom and interest and dividends thereon; to deposit such securities with the State Treasurer, and to make sale of such securities when in its judgment such sale will be advisable; provided.

Fund to be invested in what securities.

that none of the moneys in the Public School Teachers' Permanent Fund shall be invested in any securities except such as are legally designated for investment in the public school fund.

Securities to be deposited with State Treasurer, who shall collect the income thereof.

All bonds, mortgages and other securities shall be deposited with and remain in the custody of the State Treasurer, who shall collect all interest due thereon, and all the income therefrom, as the same shall become due and payable. The State Auditor is authorized to draw his warrant upon the Public School Teachers' Permanent

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Fund in payment of duly audited claims arising out of the investment of the moneys in such fund.

Authority of State Auditor to draw warrants.

(5). To appoint a secretary from the office force of the State Superintendent of Public Instruction and prescribe the duties of such secretary.

Secretary and his duties.

(6). To conduct investigations in all matters relating to the operation of this Act, and to subpoena witnesses and compel their attendance to testify before it in respect to such matters.

Section 8. Said Public School Teachers' Retirement Salary Fund Board shall meet at least once every three months and at such quarterly meeting shall make a list of all persons entitled to payment out of the fund established by this Act, and enter said list in a book to be kept by the Board for that purpose, to be known as the "Public School Teachers' Retirement Salary Fund Record." Said list shall be certified as correct by the chairman and secretary of the Board, and shall always be open to public inspection. In the performance of the duties of the Board, each member and secretary thereof may administer oaths and affirmations to witnesses and others transacting business with the Board.

Quarterly meetings of the Fund Board.

List of persons entitled to payments from fund.

"Public School Teachers' Retirement Salary Fund Record."

Power to administer oaths.

Section 9. The said Public School Teachers' Retirement Salary Fund Board shall hold its meetings at the office of the State Superintendent of Public Instruction. It shall be entitled to the use of the offices of the said State Superintendent, who is empowered to employ such additional help and make such expenditures for stationery, stamps, etc., as may be necessary for the creation, maintenance and enforcement of this Act, for which the Legislature shall be requested to make such appropriations as may from time to time be deemed necessary.

Place of meeting of the board.

Additional help, stationery, stamps, etc.

Section 10. The Board shall make rules and regulations not inconsistent with the provisions of this Act, which shall have the force and effect of law. Such rules and regulations shall:

Rules and regulations and force thereof.

(1). Provide for the conduct and regulation of the meetings of the Board and the operation of the business thereof;

Rules to provide.

(2). Provide for the enforcement and carrying into effect of the provisions of this Act;

(3). Establish a system of accounts showing the condition of the Public School Teachers' Permanent Fund and the Public School Teachers' Retirement Salary Fund, and receipts and disbursements for and on account of said funds;

(4). Prescribe the form of warrants, vouchers, re-

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ceipts, reports and accounts to be used in respect to said funds;

(5). Regulate the duties of boards of education, school trustees and other school authorities, imposed upon them by this Act, in respect to the contribution by teachers to the Public School Teachers' Permanent Fund, and the deduction of such contributions from the teachers' salaries.

Additional rules and regulations providing for, what.

Section 11. In addition to the powers hereinabove enumerated said Board shall make and enforce all necessary and proper rules and regulations for the method or methods of applying for and obtaining retirement salaries provided for in this Act, and for the method or methods of determining the right of each applicant to such retirement salary; provided, however, that in all cases legal proof of all necessary facts shall be required and kept on file.

County superintendents to annually report to State Superintendent of Public Instruction what.

Section 12. The County Superintendent shall report to the State Superintendent of Public Instruction, before the fifteenth day of July of each year, the names of all persons claiming and the amount that will be required during the current fiscal year to pay the retirement salaries to be paid in such district or county, and said State Superintendent of Public Instruction shall determine from said reports the entire amount required to pay said retirement salaries during said current fiscal year. He shall report the amount required to make such payments to the Public School Teachers' Retirement salary Fund Board, and thereupon after verifying or correcting same, said Board shall notify the State Treasurer, and by resolution, duly adopted, shall direct him to make transfer of the needed amount from the Public School Teachers' Permanent Fund to the Public School Teachers' Retirement Salary Fund. It shall be the duty of the State Treasurer thereupon to make such transfer. When claims for payment of retirement salaries have been duly audited under the provisions of this Act, the State Auditor shall draw his warrant therefor upon the said Public School Teachers' Retirement Salary Fund; provided, that no retirement salary, under the provisions of this Act, shall be paid on or before the first day of January, 1919.

Duties of the State Superintendent and the Retirement Salary Fund Board regarding such reports.

Direction to transfer the required funds.

State Auditor to draw warrants, when.

Payments not to commence before Jan., 1919.

Who shall be entitled to retirement and amount of retirement salary.

Section 13. Every public, state or county school teacher who shall have served as a legally qualified teacher in public, state or county, day or evening schools or partly as such teacher and partly as state or county or city superintendent or supervising executive or educational administrator for at least twenty-five school years at least fifteen of which shall have been in the schools, as hereinbefore specified, of this State, including the last ten

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years of actual service unless leave of absence shall have been granted by proper school authorities, shall be entitled to retirement, no time included in such leave of absence to be reckoned as time of service. Upon retirement such teacher shall be entitled to receive during life an annual retirement salary of Six Hundred ($600.00) Dollars, payable in installments quarterly by warrants drawn as provided in this Act.

Proviso regarding teachers who have served in other states.

Provided, the teachers in the service of the State at the time of the passage of this Act, who shall have served in states other than this, shall, at the end of twenty-five years' service the last ten of which shall be in this State as hereinbefore provided, be entitled to the benefits of this Act.

Rights under Act of teachers retired on account of infirmity after 15 years' service.

Section 14. Any legally qualified public state, or county school teacher who shall have served as such or in the capacity of school officer as hereinbefore specified tor at least fifteen school years in the public schools or school offices as specified above, of this State, and who shall, by reason of bodily or mental infirmity, have become physically or mentally incapacitated for further school service, shall be entitled to retire, or may, by the Board of Education, school trustees or other school authorities employing such teacher, be compelled to retire. Upon such retirement, voluntary or involuntary, such teacher shall be entitled to receive, during the period of such disability, an annual retirement salary, which shall bear the same proportion to Six Hundred ($600.00) Dollars as is borne by the number of years of said teacher's time of service to twenty-five years.

Amount which they shall be entitled to receive.

Board to determine what constitutes a school year.

Section 15. In counting the actual time of service for the purpose of this Act, the Public School Teachers' Retirement Salary Fund Board shall determine what constitutes a school year.

Act shall bind now employed.

Section 16. This Act shall be binding upon all teachers employed in the public, State or county schools of this State at the time of the approval of this Act, as shall on or before January 1st, 1916, sign and deliver to the Superintendent of Public Instruction, or to the County Superintendent, a notification that said teachers agree to be bound by and avail themselves of the benefits of this Act.

Teachers to sign and deliver agreement to be bound before what time.

Act shall bind all future teachers employed in the State.

Section 17. This Act shall be binding upon all teachers elected or appointed to teach in the public schools of this State after the approval of this Act, who, not being in the service of the public schools at the time of the approval of this Act, were not competent to sign or deliver the notification specified in the preceding section.

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Suspension of retirement salary during time of teaching thereafter by retired teacher.

Effect of returning to service of any teacher retired on account of infirmity.

Section 18. If any teacher retired under the provisions of this Act, shall be re-employed in the public schools of this or of any other state, such teacher's retirement salary shall not be paid for or during such period of employment; and if any teacher having qualified under Section 14 of this Act, returns to service in the public schools of the State and thereafter qualifies under this Act, there shall be deducted from the retirement salary payable to such teacher under the provisions hereof the amount of retirement salary theretofore actually received by such teacher under the provisions hereof, such amounts to be so deducted in equal quarterly installments until the whole amount so received shall have been deducted; provided, however, that the amount of such deductions to be made quarterly shall not exceed thirty-five dollars.

Proviso limiting amount of quarterly deductions.

Retirement salary limited to one salary.

Section 19. No one shall be permitted to draw from the State, directly or indirectly, more than one retirement salary. Nothing in this Act shall be so construed. however, as to prevent local communities or bodies of teachers from supplementing the retirement salary received from the State.

Local committees, etc., may supplement the retirement salary.

Defining effect of courts declaring any part of Act unconstitutional or conflicting.

Section 20. Should the courts declare any section of this Act unconstitutional or unauthorized by law or in conflict with any other provision of this Act, then such decision shall affect only the section or provision so declared to be unconstitutional or void, and shall not affect any other section or part of this Act.

Repealing clause.

Section 21. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Section 22. This Act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1915.

CHAPTER 96.

"An Act providing for the protection and safety of workmen in all places of employment and for the inspection and regulation of places of employment in all inherently hazardous works and occupations; providing a schedule of compensation for injury to or death of workmen and methods of paying the same, and prescribing the liability of employers who do not elect to pay such compensation; establishing the industrial accident board, defining its powers and duties; and providing for a review of its awards."

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Be it enacted by the Legislative Assembly of the State of Montana:

PART I.
GENERAL PROVISIONS.

Workmen's Compensation Act.

Section 1. (a) This Act shall be known and may be cited as the Workmen's Compensation Act. Part I shall contain those sections which have a general application to the whole of the Act and may be referred to as the "General Provisions;" Part II shall contain those sections which refer to Compensation Plan Number One; Part III shall contain those sections which refer to Compensation Plan Number Two; Part IV shall contain those sections which refer to Compensation Plan Number Three; Part V shall contain those sections which may be referred to as the "Safety Provisions."

What each part shall contain.

References to plan numbers to include what.

Section 1. (b) Whenever Compensation Plans Number One, Two, or Three, or the safety provisions of this Act shall be referred to, such reference shall also be held to include all other sections which are applicable to the subject matter of such reference.

References to "Compensation Provisions" shall include what.

Section 1. (c) The "Compensation Provisions" of this Act, whenever referred to, shall be held to include the provisions of Compensation Plans Number One, Two, or Three, and all other sections of this Act applicable to the same, or any part thereof.

Industrial Accident Board, consisting of whom.

Term of office of appointed member.

Salary.

Election of treasurer.

Vacancies in board.

Section 2. (a) There is hereby created a Board to consist of three members; the Commissioner of Labor and Industry shall be one member, the State Auditor shall be one member, and one member shall be appointed by the Governor, which board shall be known as the Industrial Accident Board, and shall have the powers, duties, and functions hereinafter conferred. The term of office of the appointed member of the board shall be for four years and until his successor shall have been appointed and qualified. He shall receive an annual salary of Four Thousand Dollars, payable monthly, and shall be the Chairman of the Board. The Board shall elect one of their number as Treasurer of the Board .

Removal of appointive member.

Section 2. (b) A vacancy in the office of the appointed member of the Board shall be filled in the same manner as the original appointment, but shall only be for the unexpired term of such vacancy. The appointed member shall not be removed except for cause, and after a hearing had before and a finding, made by the remaining members of the Board, and both of the remaining members of the board must concur in the removal of the appointed member.

Official bonds.

Section 2. (c) Each member shall, upon entering upon the duties of his office, execute to the State of Montana and file with the Secretary of State a bond in

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the sum herein prescribed, executed by not less than four responsible sureties or by some surety company authorized to become sole surety on bonds in the State of Montana, such bond to be approved by the Governor, and conditioned that he will faithfully and impartially discharge the duties of his office. Such bonds shall be in addition to any other bonds required by law to be furnished.

Treasurer's bond.

Section 2. (d) The bond of the Treasurer of the Board shall be in a sum to be fixed by the Governor, not less than Twenty-five Thousand Dollars, ($25,000.00), nor more than One Hundred Thousand Dollars, ($100,000.00). The bonds of the members of the Board other than the Treasurer shall be in the sum of Ten Thousand Dollars, ($10,000.00).

Bond of other members.

No additional compensation to ex-officio members.

Section 2. (e) Neither the Commissioner of Labor and Industry, nor the State Auditor, shall receive any additional compensation for the duties imposed upon them by this Act.

Quorum.

Powers of members in case of vacancy.

Section 2. (f) A majority of the Board shall constitute a quorum for the transaction of any business. A vacancy on the Board shall not impair the right of the remaining members to perform all of the duties and exercise all the powers and authority of the Board. The act of the majority of the Board when in session as a Board shall be deemed to be the act of the Board, but any investigation, inquiry, or hearing which the Board has power to undertake or to hold, may be undertaken or held by, or before, any member thereof, or any examiner, or referee appointed by the Board for that purpose. Every finding, order, decision, or award made by any commissioner, examiner, or referee pursuant to such investigation, inquiry or hearing, when approved and confirmed by the Board and ordered filed in its office shall be deemed to be the finding, order, decision, or award of the Board.

Hearings may be had before whom.

Findings, orders, etc., by any commissioner, examiner or referee to be final, when.

Seal of board.

Section 2. (g) The Board shall have a seal bearing the following inscription: "Industrial Accident Board. State of Montana, Seal." The seal shall be affixed to all writs and authentications of copies of records, and to such other instruments as the Board shall direct. All courts shall take judicial notice of said seal.

Principal office and furnishings.

Section 2. (h) The Board shall keep its principal office in the capital of the state and shall be provided with suitable rooms, necessary office furniture, stationery, and other supplies. For the purpose of holding sessions in other places the Board shall have power to rent temporary quarters.

Temporary quarters.

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Secretary: appointment, term of office, duties. Records to be kept.

Section 2. (i) The Board shall appoint a secretary who shall hold office at the pleasure of the Board. It shall be the duty of the secretary to keep a full and true record of all the proceedings of the Board; to issue all necessary processes, writs, warrants, and notices which the Board is required or authorized to issue, and generally to perform such other duties as the Board may prescribe.

Other assistants and employes.

Section 2. (j) The Board shall employ such assistants and other employees as it may deem necessary to carry out the provisions of this Act.

Compensation of officers and employes. Terms of office and duties.

Section 2. (k) All officers and employees of the Board shall receive such compensation for their services as may be fixed by the Board, shall hold office at the pleasure of the Board, shall perform such duties as are imposed on them by law or by the Board.

Salaries to be paid monthly. Approval and auditing of.

Section 2. (l) The salaries of members of the Board, secretary and every other person holding office or employment under the Board, as fixed by law or by the Board, shall be paid monthly after being approved by the Board upon claims therefor to be audited and approved by the State Board of Examiners.

Expenses to be paid from what fund.

Section 2. (m) All expenses incurred by the Board pursuant to the provisions of this Act, including the actual and necessary traveling and other expenses and disbursements of the members thereof, its officers and employees incurred while on business of the Board, either within or without the State, shall, unless otherwise provided in this Act, be paid from the Industrial Administration Fund, after being approved by the Board upon claims therefor to be audited and approved by the State Board of Examiners.

Blank forms, minute book, record book, etc. Records to be kept where. Reports and bulletins which may be published.

Section 2. (n) The Board shall cause to be printed such blank forms as it shall deem requisite to facilitate or promote the efficient administration of this Act. It shall provide a book in which shall be entered the minutes of all its proceedings, a book of record in which shall be recorded all awards made by the Board, and such other books, or records as it shall deem requisite for the purpose and efficient administration of this Act. All such records are to be kept in the office of the Board.

Section 2. (o) The Board shall have the power and authority to publish and distribute at its discretion from time to time, in addition to its annual report, such further reports, and bulletins covering its operations, proceedings, and matters relative to its work as it may deem advisable.

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Section 2. (p) The Board shall have power and authority to charge and collect the following fees:

Fees.

Unauthenticated copies of papers and records.

Certified copies.

1. For copies of papers and records not required to be certified or otherwise authenticated by the Board, 15 cents for each folio; for certified copies of official documents and orders filed in its office, or of the evidence taken at any hearing, 20 cents for each folio.

2. To fix and collect reasonable charges for publications issued under its authority.

Charges for publications.

Fees to be paid into what fund.

3. The fees charged and collected under this section shall be paid monthly into the treasury of the State to the credit of the Industrial Administration Fund, and shall be accompanied by a detailed statement thereof.

Attorney General the legal adviser of board.

Section 2. (q) The Attorney General shall be the legal adviser of the Board and shall represent it in all proceedings whenever so requested by the Board or any member thereof.

Defenses excluded in personal injury action.

Negligence of employe not wilful.

Fellow servant

Assumption of risk.

Section 3. (a) In an action to recover damages for personal injuries sustained by an employe in the course of his employment, or for death resulting from personal injuries so sustained, it shall not be a defense; (1) That the employe was negligent, unless such negligence was wilful; (2) That the injury was caused by the negligence of a fellow employe; (3) That the employe had assumed the risks inherent in, incident to, or arising out of his employment, or arising from the failure of the employer to provide and maintain a reasonably safe place to work, or reasonably safe tools, or appliances.

Provisions of Sec. 3 (a) not to apply to domestic servants, farm laborers, etc.

Section 3. (b) The provisions of Section 3. (a) shall not apply to actions to recover damages for personal injuries sustained by household or domestic servants, farm or other laborers, engaged in agricultural pursuits, or persons whose employment is of a casual nature.

Employers who are not subject to liability for death or personal injury other than herein defined.

Section 3. (c) Any employer who elects to pay compensation as provided in this Act shall not be subject to the provisions of Section 3 (a), nor shall such employer be subject to any other liability whatsoever for the death of, or personal injury to any employe except as in this Act provided; and, except as specifically provided in this Act, all causes of action, actions at law, suits in equity, and proceedings whatever, and all statutory and common law rights and remedies for, and on account of such death of, or personal injury to, any such employe are hereby abolished; provided, that Section 3 (a) shall not apply to actions brought by an employe who has elected not to come under this Act, or by

Rights of action abolished.

Sec. 3 (a) not to apply to employes who elect not to come under Act, or his

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his representatives, for damages for personal injuries, or death, against an employer who has elected to come under this Act.

Provisions of Act to be exclusive in what cases.

Section 3. (d) Where both the employer and employe have elected to come under this Act, the provisions of this Act shall be exclusive, and such election shall be held to be a surrender by such employer and such employe of their right to any other method, form, or kind of compensation, or determination thereof, or to any other compensation, or kind of determination thereof, or cause of action, action at law, suit in equity, or statutory or common law, right, or remedy, or proceeding whatever, for, or on account of, any personal injury to, or death of such employe, except as such rights may be hereinafter specifically granted; and such election shall bind the employe himself and in case of death shall bind his personal representative and all persons having any right or claim to compensation for his injury, or death, as well as the employer, and those conducting his business during liquidation, bankruptcy, or insolvency.

Except as hereinafter specifically granted. Election to bind whom.

Compensation Plan No. 3 exclusive, etc., when a public corporation or its contractor is the employer.

Payments by public corporations under the Act to be considered what.

Duty of governing body of such corporations.

Section 3. (e) Where a public corporation is the employer, or any contractor engaged in the performance of contract work for such public corporation, the terms, conditions and provisions of Compensation Plan Number Three shall be exclusive, compulsory, and obligatory upon both employer and employe. Any sums necessary to be paid under the provisions of this Act by any public corporation shall be considered to be ordinary and necessary expenses of such corporation, and the governing body of such public corporation shall make appropriation of and pay such sums into the accident or administration fund, as the case may be, at the times and in the manner provided for in this Act, notwithstanding that such governing body may have failed to anticipate such ordinary and necessary expense in any budget, estimate of expenses, appropriation, ordinance, or otherwise.

Employers engaged or to engage in haardous industries or occupations may elect to be bound by Act, when.

Such election to be in prescribed form and shall state what.

Section 3. (f) Every employer engaged in the industries, works, occupations, or employments in this Act specified as "hazardous" may on or before the 1st day of July, 1915, if such employer be then engaged in such hazardous industry, work, occupation, or employment, or at any time thereafter, or, if such employer be not so engaged on said date, may on or after thirty days before entering upon such hazardous work, occupation, or employment, or at any time thereafter, elect whether he will be bound by either of the Compensation Plans mentioned in this Act. Such election shall be in the form prescribed by the Board, and shall state whether such employer shall be bound by Compensation Plan Number

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Posting and proof of notice of election.

One, or Compensation Plan Number Two, or Compensation Plan Number Three, and a notice of such election, with the nature thereof, shall be posted in a conspicuous place in the place of business of such employer, and a copy of such notice, together with an affidavit of such posting, shall be filed with the Board.

Every employe engaged in a hazardous occupation shall be bound by what plan.

Unless he elects not to be bound by any provision of Act.

Election by employe shall be in what form and served on whom.

Section 3. (g) Every employe in the industries, works, occupations or employments in this Act specified as "Hazardous" shall become subject to and be bound by the provisions of that plan of compensation which shall have been adopted by his employer, unless such employe shall elect not to be bound by any of the compensation provisions of this Act and until such employe shall have made such election. Such election shall be made by written notice in the form prescribed by the Board, served upon the employer, and a copy filed with the Board, together with the proof of such service.

Presumption when employer fails to make an election.

Exception.

An election once made shall bind an employer until what time.

Section 3. (h) If the employer shall fail to make the election herein provided for, at the time, and in the manner herein prescribed, such employer shall be presumed to have elected not to be bound by the provisions of either Compensation Plan Number One, or Compensation Plan Number Two, or Compensation Plan Number Three for that fiscal year, unless such employer shall elect to become subject to, or bound by this Act in the manner provided for such election in the first instance. After having once elected to be bound by one or the other of the Compensation Plans provided in this Act, such employer shall be bound by such election for said first fiscal year and each succeeding fiscal year, unless such employer shall, not less than thirty or more than sixty days prior to the end of any fiscal year, elect not to be bound by either of such Compensation Plans, after the expiration of said fiscal year or unless he shall elect to be bound for the succeeding fiscal year by a different Compensation Plan than the one by which he is then governed. Such election must be made in the manner provided for in reference to the first election of such employer under this Act.

How subsequent elections are to be made.

Act intends that the employer shall make his election before being bound.

Employe presumed to have elected to be bound by same plan.

Section 3. (i) It is the intention of this Act that any employer engaged in hazardous occupations as defined herein shall, before being bound by either of the Compensation Plans herein provided, elect to be so bound thereby, and that the employe shall be presumed to have elected to be the subject to, and bound by, the provisions of the particular plan which may have been adopted by his employer, unless such employe shall affirmatively elect not to be bound by this Act.

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Section 3. (j) Any employe who has elected not to be bound by the provisions of this Act in the manner herein provided, may revoke such election and elect to come thereunder at any time. Any employer who has failed to elect to be bound by either one or the other of the Compensation Plans herein mentioned, may, at any time during any fiscal year, elect to be bound thereby, which said election shall be made as hereinbefore provided; but whenever any employer or employe shall have elected to come under the provisions hereof, such election, when it shall have been made, shall bind such employer and employe for the rest of the then fiscal year.

An employe may elect to come in after having elected not to be bound.
Employer may elect to be bound during fiscal year, may come in at any time.

Election to bind both employer and employe during rest of year.

Section 3. (k) No compensation shall be paid to any employe, whether such employe has elected to come under this Act or not, where his employer has failed to elect, and has failed to come under one or the other of the Compensation Plans herein provided.

No compensation to be paid employe when employer has not elected to be bound by this Act.

Section 4. (a) This Act is intended to apply to all inherently hazardous works and occupations within this State, and it is the intention to embrace all thereof in Sections 4 (b), 4 (c), 4 (d), and 4 (e), and the works and occupations enumerated in said sections are hereby declared to be hazardous.

Act intended to apply to all inherently hazardous occupations as enumerated in sub-section hereof.

Section 4. (b) CONSTRUCTION WORK: Tunnels, bridges, trestles; sub-aqueous works, ditches and canals (other than irrigation without blasting), dock excavations, fire escapes, sewers, house moving, house wrecking, iron or steel frame structures or parts of structures, electric light, or power plants, or systems, telegraph or telephone systems; pile driving, steam railroads, steeples, towers or grain elevators, not metal framed; dry docks, without excavation; jetties, breakwaters, chimneys, marine railways, water works or water systems; electric railways, cable railways, street railways, with or without rock work or blasting; erecting fireproof doors or shutters; steam heating plants; blasting; tanks, water towers or wind mills, not metal framed; shaft sinking; concrete buildings; freight or passenger elevators; fireproofing of buildings; galvanized iron or tin work; gas works or systems; marble, stone or brick work; road-making, with or without blasting; roof work; safe moving; slate work; plumbing work, inside or outside; metal smokestacks or chimneys; excavations not otherwise specified; blast furnaces; street or other grading; advertising signs; ornamental work on buildings; ship or boat building or rigging, with or without scaffolding; carpenter work not otherwise specified; installation of steam boilers or engines; placing wires in conduits; installing dynamoes; putting up belts for machinery; marble, mantel, stone or

Construction work embracing enumerated occupations.

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tile setting; metal ceiling work; mill or ship-wrighting; painting of buildings or structures; installation of automatic sprinklers; concrete laying in floors, foundations or street paving; asphalt laying; covering steam pipes or boilers; installation of machinery not otherwise specified; drilling wells, installing electrical apparatus or fire alarm apparatus in buildings; house heating or ventilating systems, glass setting; building hot houses; lathing, paper hanging, plastering, wooden stair building.

Operation, including

Section 4. (c) OPERATION (Including Repair Work) of logging, cable, electric, street, steam or other railroads; dredges; interurban electric railroads using third rail systems; electric light or power plants; quarries; telegraph systems; stone crushers; blast furnaces; smelters; coal mines, gas works; steamboats; tugs and ferries, mines other than coal; steam heating or power plants; grain elevators; laundries; water works, paper mills; pulp mills; garbage and fertilizer works.

Factories using power driven machinery, enumerated.

Section 4. (d) FACTORIES USING POWER DRIVING MACHINERY: Stamping tin metal; bridge work; railroad, car or locomotive making or repairing; cooperage; logging, with or without machinery; sawmills, shingle mills, staves, veneer, box, lath, packing cases, sash, doors, blinds, barrel, keg, pail, basket, tub, wooden ware or wooden fibre ware, rolling mills; making steam shovels or dredges; tanks, water towers, asphalt; building material not otherwise specified; fertilizer; cement, stone with or without machinery; kindling wood, masts or spars with or without machinery; canneries; metal stamping; creosoting works; excelsior; iron; steel; copper, zinc, brass, or lead articles or wares not otherwise specified; working in wood not otherwise specified; hardware, tile, brick, terra cotta, fire-clay, pottery, earthenware, porcelain ware; peat fuel, brickettes; breweries; bottling works; boiler works; foundries; machine shops not otherwise specified; cordage; working in foodstuffs, including oils, fruits and vegetables; working in wool, cloth, leather, paper, broom, brush, rubber or textiles not otherwise specified; making jewelry; making soap, tallow, lard, grease, condensed milk; creameries; printing, electrotyping, photo-engraving, engraving and lithographing, sugar factories.

Miscellaneous works, enumerated.

Section 4. (e) MISCELLANEOUS WORK: Operating stock yards, with or without railroad entry; packing houses; wharf operations; artificial ice and refrigerating or cold storage plants; tanneries; electric systems not otherwise specified; theatre stage employes, including moving picture machine operators; fire works manufacturing, powder works.

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Hazardous occupations not enumerated or hereafter arising.

Section 5. If there be or arise any hazardous occupation or work other than hereinbefore enumerated, it shall become under this Act and its terms, conditions and provisions as fully and completely as if hereinbefore enumerated.

Meaning of words and phrases employed in Act.

Section 6. Unless the context otherwise required, words and phrases employed in this Act shall have the meanings hereinafter defined.

"Factories" defined.

Section 6. (a) "Factories" means undertakings in which the business of working at commodities is carried on with power driven machinery, whether in manufacture, repair, or change, and shall include the premises, yards, and plant of the concern.

"Workshop" defined.

Section 6. (b) "Workshop" means any plant, yard, premises, room or place where power driven machinery is employed and manual labor is exercised by way of trade or gain or otherwise in, or incidental to the process of making, altering, repairing, printing or ornamenting, finishing or adapting for sale, or otherwise, any article, or part of article, machinery, or thing, over which premises, room or place the employer of the person working therein has the right of access or control.

"Mill" defined.

Section 6. (c) "Mill" means any plant, premises, room, or place where machinery is used; any process of machinery, changing, altering, or repairing any article or commodity for sale, or otherwise, together with the yards and premises which are a part of the plant, including elevators, warehouses, and bunkers.

"Mine" defined.

Section 6. (d) "Mine" means any mine where coal, clay, ore, mineral, gypsum, or rock is dug or mined underground.

"Quarry" defined.

Section 6. (e) "Quarry" means an open cut from which coal is mined, or clay, ore, mineral, gypsum, sand, shale, gravel, or rock is cut or taken for manufacturing, building, or construction purposes.

"Engineering work" defined.

Section 6. (f) "Engineering work" means any work of construction, improvement, or alteration or repair of buildings, streets, highways, sewers, street railways, railroads, logging roads, interurban roads, harbors, docks, canals; electric, steam or water power plants; telegraph and telephone plants and lines; electric light and power lines, and includes any other work for the construction, alteration, or repair of which machinery driven by mechanical power is used.

"Reasonably safe place to work" defined.

Section 6. (g) "Reasonably safe place to work" means that the place of employment has been made as free from danger to the life or safety of the employe as the nature of the employment will reasonably permit.

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Section 6. (h) "Reasonably safe tools and appliances" are such tools and appliances as are adapted to, and are reasonably safe for use for the particular purpose for which they are furnished, and shall embrace all safety devices and safeguards provided or prescribed by the "safety provisions" of the Act for the purpose of mitigating or preventing a specific danger.

"Employer" defined.

Section 6. (i) "Employer" means any person, firm, association, or corporation, and includes the state, counties, municipal corporations, cities under special charter and commission form of government, school districts, towns, or villages, and independent contractors, and shall include the legal representatives of a deceased employer.

"Employe" and "Workman" defined.

Section 6. (j) "Employe" and "Workman" are used synonymously, and means every person in this State, including a contractor other than "an independent contractor," who, after July first, 1915, is engaged in the employment of an employer carrying on or conducting any of the industries classified in Sections 4 (a), 4 (b), 4 (c), 4 (e) and 5 of this Act, whether by way of manual labor, or otherwise, or whether upon the premises or at the plant of such employer, or who is engaged in the course of his employment away from the plant of his employer; provided, however,

Injury to workman away from plant and caused by another not in same employ.

1. If the injury to a workman occurring away from the plant of his employer is due to the negligence or wrong of another not in the same employ, the injured workman, or, if death results from such injury, beneficiaries or dependents, as the case may be, shall elect whether to take under this Act or seek a remedy against such others; such election shall be made in advance of the commencement of the action.

Shall elect remedy before action.

Cause of action to be assigned to State, when.

2. If he take under this Act, the cause of action against such other shall be assigned to the State for the benefit of the Industrial Accident Fund, or the employer or insurer, as the case may be.

Prosecution or settlement of assigned cause of action.

3. Any such cause of action assigned to the State may be prosecuted, or compromised by the Board, in its discretion.

Waiver of right of compensation under Act in case of suit in court.

4. If such workman, his beneficiaries, or dependents, as the case may be, shall elect to proceed against the person responsible for the injury, such election shall constitute a waiver of any right to compensation under the provisions of this Act.

"Injury" to include death.

Section 6. (k) "Injury" means and shall include death resulting from injury.

"Beneficiary" defined.

Section 6. (l) "Beneficiary" means and shall include a surviving wife or husband and a surviving child or children under the age of sixteen years and an invalid

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child or invalid children over the age of sixteen years, or, if no surviving wife or husband, then the surviving child or children under the age of sixteen years, and any invalid child or children over the age of sixteen years in whom shall vest a right to receive compensation under this Act.

"Major dependent" defined.

Section 6. (m) "Major dependent" means if there be no beneficiaries as defined in Section 6 (l), the father and mother of the survivor of them, if actually dependent to any extent upon the decedent at the time of his injury.

"Minor dependent" defined.

Section 6. (n) "Minor dependent" means if there be no beneficiary as defined in Section 6 (l), and if there be no major dependent as defined in Sections 6 (m), the brothers and sisters, if actually dependent upon the decedent at the time of his injury.

"Invalid" defined.

Section 6. (o) "Invalid" means one who is physically or mentally incapacitated.

"Child" defined, to include whom.

Section 6. (p) "Child" shall include a posthumous child, a step-child, a child legally adopted prior to the injury, an illegitimate child legitimized prior to the injury.

"Injury" or "Injured" defined.

Section 6. (q) "Injury" or "injured" refers only to an injury resulting from some fortutious event, as distinguished from the contraction of disease.

The singular and plural include both.

Section 6. (r) Wherever the singular is used the plural shall be included, and wherever the plural is used the singular shall be included.

Masculine includes all genders.

Section 6. (s) Wherever the masculine gender is used, the feminine and neuter shall be included.

"Physician" to include "Surgeon."

Section 6. (t) The term "physician" shall include "surgeon" and in either case shall mean one authorized by law to practice his profession in this State.

"Week" defined.

Section 6. (u) "Week" means six working days, but includes Sundays.

"Wages" defined.

Section 6. (v) "Wages" mean the average daily wages received by the employe at the time of the injury for the usual hours of employment in a day, and overtime is not to be considered.

"Wife" or "Widow" defined.

Section 6. (w) "Wife" or "widow" means only a wife or widow living with, or legally entitled to be supported by the deceased at the time of the injury.

"Husband" or "Widower" defined.

Section 6. (x) "Husband" or "widower" means only a husband or widower incapable of supporting himself, and living with, or legally entitled to be supported by the deceased at the time of her injury.

"Board" defined.

Section 6. (y) "Board" means the Industrial Accident Board of the State of Montana.

"Commissioner" defined.

Section 6. (z) "Commissioner" means one of the members of the Industrial Accident Board.

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"Appointed member of the Board" defined.

Section 6. (aa) "Appointed member of the Board" means that member of the Industrial Accident Board appointed by the Governor.

"Order" defined.

Section 6. (bb) "Order" shall mean and include any decision, rule, regulation, direction, requirement, or standard of the Board, or any other determination arrived at or decision made by such Board, excepting general or local orders as herein specified.

"General order" defined.

Section 6. (cc) "General order" shall mean and include such order made under the safety provisions of this Act as applies generally throughout the State to all persons, employments or places of employment, or employees working in such places of employment classed as hazardous in this Act.

"Local order" defined.

Section 6. (dd) "Local order" shall mean and include any ordinance, order, rule, or determination of any public corporation, or any order or direction of any other public official, board, or department upon any matter over which the Industrial Accident Board has jurisdiction.

"Pay-roll," "Annual pay-roll" and "Annual pay-roll of the preceding year" defined.

Section 6. (ee) "Pay-roll," "annual pay-roll," or "annual pay-roll for the preceding year," means the average annual pay-roll of the employer for the preceding calendar year, or, if the employer shall not have operated a sufficient or any, length of time during such calendar year, twelve times the average monthly pay-roll for the current year, provided that an estimate may be made by the Board for any employer starting in business where no average pay-rolls are available, such estimate to be adjusted by additional payment by the employer or refund by the Board, as the case may actually be on December 31st of such current year.

Estimate to establish pay-roll, how adjusted.

"Year" defined.

Section 6. (ff) "Year" unless otherwise specified, means calendar year. "Fiscal year" means the period of time between the first day of July and the 30th day of the succeeding June.

"Public corporation" defined.

Section 6. (gg) "Public corporation" means the State, or any county, municipal corporation, school district, city, city under commission form of government or special charter, town or village.

"Insurer" defined.

Section 6. (hh) "Insurer" means any insurance company authorized to transact business in this State insuring any employer under this Act.

"Casual employment" defined.

Section 6. (ii) "Casual employment" means employment not in the usual course of trade, business, profession, or occupation of the employer.

"The plant of the employer" shall include what.

Section 6. (jj) "The plant of the employer" shall include the place of business of a third person while the employer has access to, or control over such place of

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business for the purpose of carrying on his usual trade, business, or occupation.

"An independent contractor defined.

Section 6. (kk) "An independent contractor" is one who renders service in the course of an occupation, representing the will of his employer only as the result of his work and not as to the means by which it is accomplished.

Who shall be included in computing compensation to children, brothers and sisters and invalid children.

Section 7. (a) In computing compensation to children and to brothers and sisters, only those under sixteen years of age, or invalid children over the age of sixteen years, shall be included, and, in the case of invalid children, only during the period in which they are under that disability (within the maximum time limitations elsewhere in this Act provided), after which payment on account of such person shall cease. Compensation to children, or brothers or sisters (except invalids) shall cease when such persons reach the age of sixteen years.

Compensation to children shall cease when.

When compensation to beneficiaries, major or minor dependents or widow shall cease.

Section 7. (b) If any beneficiaries or major or minor dependents of a deceased employe die, or if the widow or widower remarry, the right of such beneficiary or major or minor dependent, or such widow or widower, to compensation under this Act shall cease.

Compensation shall not be paid to non-resident major or minor dependents.

Section 8. (a) No compensation under this Act, except as otherwise provided by treaty, shall be paid to any major or minor dependents not residing within the United States at the time of the injury to the decedent.

No compensation to be paid to any beneficiary not residing in United States in excess of, what amount.

What non-resident aliens shall not receive benefits.

Section 8. (b) Except as otherwise provided by treaty, no compensation in excess of fifty per centum of the compensation provided in this Act, shall be payable to any beneficiary not residing within the United States at the time of the injury to the decedent; provided, however, that no compensation shall be allowed to any non-resident, alien beneficiary who is a citizen of a government having compensation law which excludes citizens of the United States, either resident or non-resident, from partaking of the benefit of such law in the same degree as herein extended to non-resident beneficiaries.

Sec. 8 (b) not to prevent what.

Section 8. (c) Nothing in Section 8 (b) shall prevent the compromise of any sums due a beneficiary not residing in the United States at the time of the injury to the decedent for a sum less than fifty per centum of the compensation provided in this Act, upon the approval of the Board of such compromise settlement.

No compensation to be paid to non-resident beneficiaries until when.

Section 8. (d) Before payment of compensation to a beneficiary not residing within the United States, satisfactory proof of such relationship as to constitute a beneficiary under this Act shall be furnished by such beneficiary duly authenticated under seal of an officer of a court of law in the country where such beneficiary

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Proofs to be conclusive of what facts.

resides, at such times and in such manner as may be required by the Board. And such proof shall be conclusive as to the identity of such beneficiary, and any other claim of any other person to any such compensation shall be barred from and after the filing of such proof.

Payment to non-resident beneficiaries may be made to whom.

Section 9. (a) Payment of compensation to a beneficiary not residing within the United States may be made to any plenipotentiary, or consul or consular agent within the United States, representing the country in which such non-resident beneficiary resides, and the written receipt of such plenipotentiary, or consul, or consular agent shall acquit the employer, the insurer, or the Board, as the case may be.

Effect of receipts of such officer.

When compensation may be paid to the parent or guardian.

Section 9. (b) Where payment is due to a child under sixteen years of age, or to a person adjudged incompetent, the same shall be made to the parent, or to the duly appointed guardian as the case may be, and the written receipt of such parent or guardian shall acquit the employer, the insurer, or Board, as the case may be. In other cases, payment shall be made to the person entitled thereto, or to his duly authorized representative.

Effect of their receipts.

Claims must be presented within what time.

Section 10. (a) In case of personal injury or death, all claims shall be forever barred unless presented within six months from the date of the happening of the accident.

Time limitation shall not run against whom.

Section 10. (b) No limitations of time, as provided in this Act, shall run as against any injured workman who is mentally incompetent and without a guardian, or an injured minor under sixteen years of age who may be without a parent or guardian. A guardian in either case may be appointed by any court of competent jurisdiction, in which event the period of limitation, as provided in Section 10 (a), shall begin to run on the date of the appointment of such guardian, or when such minor arrives at the age of sixteen years.

A guardian may be appointed and limitation shall then begin to run.

Employer shall be liable when he lets work to be done by a contractor other than an independent contractor.

Section 11. (a) Where any employer procures any work to be done, wholly or in part for him, by a contractor other than an independent contractor, and the work so procured to be done is a part or process in the trade or business of such employer, then such employer shall be liable to pay all compensation under this Act to the same extent as if the work were done without the intervention of such contractor. And the work so procured to be done shall not be construed to be "casual employment."

Presumption when employer lets work by contract.

Section 11. (b) Where any employer procures work to be done as specified in Section 11 (a), such contractor and his employes shall be presumed to have elected to come under that plan of compensation adopted by the

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employer, unless they shall have otherwise elected, as provided herein.

When contractor performing casual employment becomes the employer.

Section 11. (c) Where any employer procures any work to be done, wholly or in part for him, by a contractor, where the work so procured to be done is casual employment as to such employer, then such contractor shall become the employer for the purposes of this Act.

When work is to be paid for in property other than money, how wages are to be determined.

Section 11. (d) Where any employer procures any work to be done, payment for which is to be made in property other than money or its equivalent, and the value of which property is speculative or intangible, the wages of the employes receiving such compensation shall be determined by the Board in accordance with the going wage for the same or similar work in the district or locality where the same is to be performed; provided, however, that where an employer procures any work to be done by any contractor, or through him by a sub-contractor, the payment for which is to be made in property other than money or its equivalent, and the value of which property is speculative or intangible, then and in that event, the employer shall not be liable for compensation but such liability shall fall upon the contractor or sub-contractor as the case may be.

When pay same and work is being done by a contractor.

Compensation when injury the proximate cause of death.

Section 12. (a) If an injured employe dies and the injury was the proximate cause of such death, then the beneficiary, or the major or minor dependents of the deceased, as the case may be, shall receive the same compensation as though the death occurred immediately following the injury, but the period during which the death benefit shall be paid shall be reduced by the period during, or for which compensation was paid for the injury.

If employe die from some cause other than the injury.

Section 12. (b) If the employe shall die from some cause other than the injury, there shall be no liability for compensation after his death.

How question as to who constitutes a beneficiary or a major or minor dependent shall be as of what date.

Section 12. (c) The question as to who constitutes a beneficiary, or a major or minor dependent, shall be determined as of the date of the happening of the accident to the employe, whether death shall immediately result therefrom or not.

When employe shall submit to examinations by a physician.

Section 13. (a) Whenever in case of injury the right to compensation under this Act would exist in favor of any employe, he shall, upon the written request of his employer or the insurer, submit from time to time, to examination by a physician, who shall be provided and paid for by such employer or insurer, and shall likewise submit to examination, from time to time, by any physician selected by the Board, or any member or examiner, or referee thereof.

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Requests or orders for examination.

Section 13. (b) The request or order for such examination shall fix a time and place therefor, due regard being had to the convenience of the employe and his physical condition and ability to attend at the time and place fixed. The employe shall be entitled to have a physician, provided and paid for by himself, present at any such examination. So long as the employe, after such written request shall fail or refuse to submit to such examination, or shall, in any way obstruct the same, his right to compensation shall be suspended. Any physician employed by the employer, the insurer, or the Board, who shall make or be present at any such examination may be required to testify as to the results thereof.

Rights of employe at such examination.

Failing or refusing to submit to examination.

Physician may be required to testify.

Provisions of Sec. 16 (f) may be waived by mutual agreement.

Section 14. (a) Nothing in this Act shall be construed as preventing employers and workmen from waiving the provisions of Section 16 (f) of this Act, and entering into mutual contracts or agreements providing for hospital benefits and accommodations to be furnished to the employe.

Hospital contracts shall provide what.

Section 14. (b) Such hospital contract or agreements must provide for medical, hospital, and surgical attendance for such employe for sickness contracted during the employment, except venereal diseases and sickness as a result of intoxication, as well as for injuries received arising out of and in the course of the employment.

Limit to hospital assessments.

Section 14. (c) No assessment of employes for such hospital contracts or benefits shall exceed $1.00 per month for each employe, except in cases where it shall appear to the satisfaction of the Board, after a hearing had for that purpose that the actual cost of such service exceeds the said sum of $1.00 per month, and any such finding of the Board may be modified at any time when justified by a change of conditions, or otherwise, either upon the Board's own motion, or the application of any party in interest.

No employer shall make a profit in hospital agreements.

Section 14. (d) No profit, directly or indirectly, shall be made by any employer as a result of such hospital contract or assessments. It is the purpose and intent of this Act to provide that where hospitals are maintained by employers such hospitals shall be no more than self-supporting from assessment of employes, and that where hospitals are maintained by other than the employer, all sums derived by assessment of employes shall be paid in full to such hospital without deduction by the employer.

Board to have supervision of hospitals maintained in part by assessments of workmen.

Section 14. (e) Each and every hospital maintained wholly or in part by payments from workmen, which furnishes treatment and services to employes for sickness and injury, as provided in this Act, shall be under the

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supervision of the Board as to the services and treatment rendered such employes, and shall, from time to time, make reports of such services, attendances, treatments, receipts and disbursements as the Board may require.

Hospital reports.

Section 14. (f) Neither an employer, an insurer, nor the Board, shall be liable in any way for any act in connection with the treatment or care, or malpractice in treatment or care, of any sickness or injury sustained by an employe, or the beneficiary of any hospital contract, where such act or treatment or malpractice in treatment is caused, or alleged to have been caused, by any physician, hospital, or attendant furnished by such employer, insurer, or the Board. In any action for malpractice arising out of the operations of this Act the merits of such action shall be investigated by the Industrial Accident Board and the finding of the Board in relation thereto shall be filed with the Clerk of the Court in which such action is pending.

Neither employer, insurer or Board liable for treatment, care or malpractice in case of contract hospital services.

In actions for malpractice Board to investigate and file findings where.

Section 15. In any action to recover damages for any act connected with the treatment or care, or malpractice in treatment or care, of any sickness of, or injury sustained by an employe, the question of whether or not due care was given by the defendants shall be a question of law for the Court.

Questions of law in certain actions.

Section 16. Every employer who shall become bound by and subject to the provisions of Compensation Plan Number One, and every employer and insurer who shall become bound by and subject to the provisions of Compensation Plan Number Two, and the Industrial Accident Fund where the employer of the injured employe has become bound by and subject to the provisions of Compensation Plan Number Three, shall be liable for the payment of compensation in the manner and to the extent hereinafter provided to an employe who has elected to come under this Act and who shall receive an injury arising out of and in the course of his employment, or, in the case of his death from such injury, to his beneficiaries, if any; or, if none, to his major dependents, if any; or, if none, to his minor dependents, if any.

Who shall be liable for injuries under the different plans of this Act, and in what amounts.

Section 16. (a) For an injury producing temporary total disability, fifty per centum of the wages received at the time of the injury, subject to a maximum compensation of ten dollars per week and a minimum compensation of six dollars per week; provided, that if at the time of injury the employe received wages of less than six dollars per week, that he shall receive the full amount of such wages per week. Such compensation shall be paid during the period of disability, but not, however, in any event, exceeding 300 weeks.

Compensation for an injury producing temporary total disability.

To be paid during what period.

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For total disability, permanent in character.

Section 16. (b) For an injury producing total disability, permanent in character, fifty per centum of the wages received at the time of the injury, subject to a maximum compensation of ten dollars per week and a minimum compensation of six dollars per week; provided, that if at the time of the injury the employe received wages of less than six dollars per week, then he shall receive the full amount of such wages per week. Such compensation shall be paid during the period of disability, not exceeding 400 weeks, after which time payments shall continue during disability at the rate of five dollars per week.

To be paid during what period.

For partial disability.

Section 16. (c) For an injury producing partial disability, one-half of the difference between the wages received at the time of the injury and the wages which such injured employe is able to earn thereafter, not exceeding, however, the difference between the wages which the injured employe is able to earn after the injury and the maximum compensation allowed in cases of total disability; provided, however, that such a sum shall be paid as compensation in each case, which, when added to the wages which the injured employe is able to earn after the injury, will equal the minimum compensation allowed in cases of total disability. Such compensation shall be paid during the period of disability, not exceeding, however, 150 weeks in cases of permanent partial disability and 50 weeks in cases of temporary partial disability.

Proviso.

To be paid during what period.

For injury causing death.

Section 16. (d) Where the injury causes death, fifty per centum of the wages received at the time of the injury, to his beneficiaries, if any, residing within the United States at the date of the happening of the injury, or, if residing outside of the United States, fifty per centum of such compensation, or, if none, then forty per centum of the wages received at the time of the injury to his major dependents, if any, if residing in the United States at the date of the happening of the injury, or, if none, then thirty per centum of the wages received at the time of the injury, to his minor dependents, if any, residing within the United States at the date of the happening of the injury, subject to a maximum compensation of ten dollars per week, and a minimum compensation of six dollars per week, for a period not exceeding 400 weeks; provided, that if at the time of the injury the employe received wages of less than six dollars per week, the full amount of such wages per week for a period of not exceeding 400 weeks.

For what period of time. Proviso.

Additional compensation in case death occurs within six months.

Section 16. (e) There shall be paid, in addition to other compensation, if death occurs within six months of the happening of the injury, the reasonable burial ex-

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penses of the employe, not exceeding $75.00. If the employe leaves no beneficiaries, or major, or minor dependents, this shall be the only compensation.

Medical and hospital services to be furnished.

Section 16. (f) During the first two weeks after the happening of the injury, the employer or insurer, or the accident fund, as the case may be, shall furnish reasonable medical and hospital services and medicines as and when needed, in an amount not to exceed fifty dollars in value, except as otherwise in this Act provided, and when the employer is a party to a hospital contract, unless the employe shall refuse to allow them to be furnished.

No compensation to be paid during first two weeks.

Section 16. (g) No compensation shall be allowed or paid during the first two weeks of any injury, except as may be required by the provisions of Section 16 (f).

Compensation to run consecutively as set forth in this section.

Section 16. (h) Compensation for all classes of injuries shall run consecutively and not concurrently, and as follows: First, the two weeks medical and hospital services and medicines as provided in Section 16 (f), unless the employe is a contributor to a hospital fund, as otherwise in this Act provided; after the first two weeks, compensation as provided in Section 16 (a), or 16 (b), or 16 (c); following, either or none of the above, compensation as provided in Section 16 (i); following any or either, or none of the above, if death results from the accident within six months of the date of the injury, burial expenses as provided in Section 16 (e); following which, compensation to beneficiaries, if any; following which, if no beneficiaries, compensation to major dependents; following which, if no beneficiaries and no major dependents, compensation to minor dependents, if any. Provided, that no compensation shall be paid to a major or minor dependent who does not reside within the United States, or who did not reside within the United States at the date of the happening of the injury. Compensation due to beneficiaries shall be paid to the surviving spouse, if any, or if none, then divided equally among or for the benefit of the children. Compensation due to major dependents, where there be more than one, shall be divided equally among them.

No compensation to major or minor dependents not residing in United States.

To be paid to whom.

Compensation to be paid in case of following injuries in lieu all other except that provided in Sec. 16 (f).

Section 16 (i) In case of the following specified injuries, the compensation, in lieu of any other compensation provided by this Act, other than that provided in Section 16 (f), unless the employe is a contributor to a hospital fund as otherwise in this Act provided, shall be fifty per centum of the wages received at the time of the injury, subject to a maximum compensation of ten dollars per week and a minimum compensation of six dollars per week; provided, that if, at the time of the injury the employe received wages of less than six dollars per week

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then he shall receive the full amount of such wages per week, and shall be paid for the following periods:

For the loss of:

One arm at or near shoulder	200 weeks
One arm at the elbow	180 weeks
One arm between the wrist and elbow	160 weeks
One hand	150 weeks
One thumb and the metacarpal bone thereof	60 weeks
One thumb at the proximal joint	30 weeks
One thumb at the second distal joint	20 weeks
One first finger and the metacarpal bone thereof	30 weeks
One first finger at the proximal joint	20 weeks
One first finger at the second joint	15 weeks
One first finger at the distal point	10 weeks
One second finger and the metacarpal bone thereof	30 weeks
One second finger at the proximal joint	15 weeks
One second finger at the second joint	10 weeks
One second finger at the distal joint	5 weeks
One third finger and the metacarpal bone thereof	20 weeks
One third finger at the proximal joint	12 weeks
One third finger at the second joint	8 weeks
One third finger at the distal joint	4 weeks
One fourth finger and the metacarpal bone thereof	12 weeks
One fourth finger at the proximal joint	9 weeks
One fourth finger at the second joint	6 weeks
One fourth finger at the distal joint	3 weeks
One leg at or so near the hip joint as to preclude the use of an artificial limb	180 weeks
One leg at or above the knee where stump remains sufficient to permit the use of an artificial limb	150 weeks
One leg between the knee and ankle	140 weeks
One foot at the ankle	125 weeks
One great toe with the metetarsal bone thereof	30 weeks
One great toe at the proximal joint	15 weeks
One great toe at the second joint	10 weeks
One toe other than the great toe with the metetarsal bone thereof	12 weeks
One toe other than the great toe at proximal joint	6 weeks
One toe other than the great toe at second or distal joint	3 weeks
One eye by enucleation	120 weeks
Total blindness of one eye	100 weeks

What shall constitute total disability.

The loss of both hands, or both arms, or both feet, or both legs, or both eyes, or any two thereof, in the absence

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of conclusive proof to the contrary shall constitute total disability, permanent in character.

What workman must clearly prove in case of hernia.

Section 16. (j) A workman in order to be entitled to compensation for hernia must clearly prove: (1) That the hernia is of recent origin, (2) that its appearance was accompanied by pain, (3) that it was immediately preceded by some accidental strain suffered in the course of the employment, and (4) that it did not exist prior to the date of the alleged injury. If a workman, after establishing his right to compensation for hernia as above provided, elects to be operated upon, a special operating fee of not to exceed fifty dollars shall be paid by the employer, the insurer, or the Board, as the case may be. In case such workman elects not to be operated upon, and the hernia becomes strangulated in the future, the results from such strangulation will not be compensated.

Fee in case workman elects to be operated on for hernia.

In case of strangulated hernia.

Paralysis of limbs to be considered the loss of such limbs.

Section 16. (k) For the purpose of Section 16 (i), the complete paralysis of an arm, hand, foot, or leg shall be considered the loss of such member. For the purpose of Section 16 (i), the complete paralysis of both arms, both hands, both feet, or both legs, or any two of them, shall be considered the loss of such members.

Adjustment of compensation in case of second or further injuries.

Section 16. (l) Should a further accident occur to a workman who is already receiving compensation hereunder, or who has been previously the recipient of a payment or payments under this Act, his further compensation shall be adjusted according to the other provisions of this Act, and with regard to the combined effect of his injuries and his past receipt of compensation.

Compensation when changes in degree of injury takes place or is discovered.

Section 16. (m) If aggravation, diminution or termination of disability takes place, or be discovered, after the rate of compensation shall have been established, or compensation terminated in any case, where the maximum payments for disabilities as provided in this Act have not been reached, such changes may be adjusted for future application of compensation in accordance with the provisions hereof, or, in a proper case, terminate the payments.

Payments to be made how.

Section 16. (n) All payments of compensation, as provided in this Act, shall be made monthly, except as otherwise provided herein.

Monthly payments may be converted into a lump sum.

When can be so paid.

Section 16. (o) The monthly payments provided for in this Act may be converted, in whole or in part, into a lump sum payment, which lump sum payment shall not exceed the estimated value of the present worth of the deferred payments capitalized at the rate of five per centum per annum. Such conversion can only be made upon the written application of the injured workman, his beneficiary or major or minor dependents, as the case

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may be, and shall rest in the discretion of the Board, both as to the amount of such lump sum payment, and the advisability of such conversion.

There can be no assignment, attachment or garnishment of payments.

Section 17. (a) No payments under this Act shall be assignable, subject to attachment or garnishment, or be held liable in any way for any debts.

Liability under this Act, in case of bankruptcy, insolvency or failure, is a first lien upon what.

In case deposits not sufficient to pay the liability.

Section 17. (b) In case of bankruptcy, insolvency, liquidation, or the failure of an employer or insurer to meet any obligations imposed by this Act, every liability which may be due under this Act shall constitute a first lien upon any deposit made by such employer or insurer, and if such deposit shall not be sufficient to secure the payment of such liability in the manner, and at the times provided for in this Act, the deficiency shall be a lien upon all the property of such employer or insurer within this State, and shall be prorated with other lienable claims and shall have preference over the claim of any creditor or creditors of such employer or insurer except the claims of other lienors.

What agreements invalid.

Section 17. (c) No agreement by an employe to waive any rights under this Act for an injury to be received shall be valid.

Misrepresenting pay-roll.

Section 17. (d) Any employer who shall misrepresent to the Board the amount of a pay-roll upon which the premiums or assessments under Compensation Plan Number Three are to be levied, or upon which fees for factory inspection, subsequent inspection, or re-inspection, as elsewhere provided in this Act, are based, shall be liable to the State in ten times the amount of difference between the amount paid and the amount which should have been paid. Such liability may be recovered in a civil action brought in the name of the State. All sums collected under this section shall be paid into the fund to which the original payments were, or should have been credited.

Liability to State.

Action to recover.

Act not to apply to certain railroads.

Section 17. (e) The provisions of this Act shall not apply to any railroad engaged in interstate commerce, except that railroad construction work shall be included in and subject to the provisions of this Act.

Duplicate receipts paid for injuries to be filed monthly by employers and insurers under Plan One.

Statements of medical and expenditures. hospital

Section 17. (f) Every employer coming under the provisions of Compensation Plan Number One, and every insurer coming under the provision of Compensation Plan Number Two, shall, on or before the fifteenth day of each and every month, file with the Industrial Accident Board duplicate receipts for all payments made during the previous month to injured workmen or their beneficiaries or dependents; and statements showing the amounts expended during the previous month for medi-

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cal, surgical and hospital services and for the burial of injured workmen.

Notice for claims for injuries other than death must be served within 60 days.

Section 17. (g) No claims to recover compensation under this Act, for injuries not resulting in death, shall be maintained unless, within sixty days after the occurrence of the accident which is claimed to have caused the injury, notice in writing, stating the name and address of the person injured, the time and the place where the accident occurred and the nature of the injury, and signed by the person injured, or some one in his behalf, shall be served upon the employer or the insurer; provided, however, that actual knowledge of such accident and injury on the part of such employer or his managing agent or superintendent in charge of the work upon which the injured employe was engaged at the time of the injury shall be equivalent to such service.

Statement in notice.

Actual knowledge by employer or agent equivalent to such service.

Employers and insurers required to file reports of every accident to employes.

Section 17. (h) Every employer of labor, and every insurer is hereby required to file with the Board, under such rules and regulations as the Board may from time to time make, a full and complete report of every accident to an employe arising out of or in the course of his employment and resulting in loss of life or injury to such person. Such reports shall be furnished to the Board in such form and such detail as the Board shall from time to time prescribe and shall make specific answers to all questions required by the Board under its rules and regulations, except, in case he is unable to answer any such questions, a good and sufficient reason shall be given for such failure.

Form and detail of such reports.

Confidential information can be used how.

Section 17. (i) No information furnished to the Board by an employer or an insurer shall be open to public inspection, or made public except on order of the Board, or by the Board or a member of the Board in the course of a hearing or proceeding. Any officer or employe of the Board who, in violation of the provisions of this section divulges any information, shall be guilty of a misdemeanor.

American Experience Table of Mortality to be used when.

Section 17. (j) Whenever it is necessary to estimate the sum of money to set aside as a reserve in any case, the American Experience Table of Mortality shall be used.

Misdemeanor for any employer to deduct from wages any part of any premium.

Section 17. (k) It shall be unlawful for the employer to deduct or obtain any part of any premium required to be paid by this Act from the wages or earnings of his workmen, or any of them, and the making, or attempt to make any such deduction shall be a misdemeanor, except that nothing in this section shall be construed as prohibiting contributions by employes to a hospital fund, as elsewhere in this Act provided.

Hospital contributions permitted.

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Hearings and investigations to be had under what rules, etc.

Section 18. (a) All hearings and investigations before the Board, or any member thereof, shall be governed by this Act and by rules of practice and procedure to be adopted by the Board, and in the conduct thereof neither the Board, nor any member thereof shall be bound by the technical rules of evidence. No informality in any proceedings, or in the manner of taking testimony shall invalidate any order, decision, award, rule or regulation made, approved, or confirmed by the Board.

Technical rules of evidence. Informality in proceedings shall not invalidate decisions.

Depositions may be taken.

Section 18. (b) The Board, or any member thereof, or any party to the action or proceeding may, in any investigation or hearing before the Board, cause the deposition of witnesses residing within or without the State to be taken in the manner prescribed by law for like depositions in civil actions in the districts courts of this State, and to that end may compel the attendance of witnesses and the production of books, documents, papers, and accounts.

Board, jurisdiction of Power and

Section 18. (c) The Board is hereby vested with full power, authority and jurisdiction to do and perform any and all things, whether herein specifically designated or in addition thereto, which are necessary or convenient in the exercise of any power, authority, or jurisdiction conferred upon it under this Act.

Power of Board to issue writs, processes, etc.

Section 18. (d) The Board and each member thereof shall have power to issue writs of summons, warrants of attachment, warrants of commitment, and all necessary process in proceedings for contempt in like manner and to the same extent as courts of record. The process issued by the Board, or any member thereof, shall extend to all parts of the State and may be served by any persons authorized to serve process of courts of record, or by any person designated for that purpose by the Board, or any member thereof.

Processes to extend throughout State and may be served by whom.

Fees for serving processes.

The person executing any such process shall receive such compensation as may be allowed by the Board, not to exceed the fees now prescribed by law for similar service and such fees shall be paid in the same manner as provided herein for the fees of witnesses.

Power to administer oaths, certify to official acts, issue subpoenas, etc.

Section 18. (e) The Board, and each member thereof, its secretary and referees, shall have the power to administer oaths, certify to all official acts, and to issue subpoenas for the attendance of witnesses and the production of papers, books, accounts, documents and testimony in any injury, investigation, hearing, or proceeding in any part of the State. Each witness who shall appear, by order of the Board, or any member thereof shall be entitled to receive, if demanded, for his attendance the same fees and mileage allowed by law to a wit-

Witness fees and mileage.

To be paid by whom.

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ness in civil cases in the District Court, which amount shall be paid by the party at whose request such witness is subpoenaed, unless otherwise ordered by the Board. When any witness, who has not been required to attend at the request of any party, is subpoenaed by the Board, his fees and mileage may be paid from the funds appropriated for the use of the Board in the same manner as other expense of the Board are paid. Any witness subpoenaed, except one whose fees and mileage may be paid from the funds of the Board, may at the time of service demand the fee to which he is entitled for travel to and from the place at which he is required to appear, and one day's attendance. If such witness demands such fees at the time of service and they are not at that time paid or tendered, he shall not be required to attend before the Board, or a member thereof or referee, as directed in the subpoena.

What witnesses may demand fees in advance.

Section 18. (f) The District Court in and for the county in which any inquiry, investigation, hearing or proceeding may be held by the Board, or any member thereof, shall have the power to compel the attendance of witnesses, the giving of testimony and the production of papers, books, accounts and documents as required by any subpoena issued by the Board, or any member thereof. The Board, or any member thereof, before whom the testimony is to be given or produced, in case of the refusal of any witness to attend or testify or produce any papers required by such subpoena, may report to the District Court in and for the County, in which the proceeding is pending, by petition, setting forth that due notice has been given of the time and place fixed for the attendance of said witness, or the production of said papers, and that the witness has been summoned in the manner prescribed in this Act, and that the witness has failed and refused to attend, or produce the papers required by the subpoena before the Board or any member thereof in the case or proceeding named in the notice and subpoena, or has refused to answer questions propounded to him in the course of such proceedings, and ask an order of said court compelling the witness to attend and testify or produce said papers before the Board. The court, upon the petition of the Board, or any member of the Board, shall enter an order directing the witness to appear before the court at the time and place to be fixed by the court in such order not more than ten days from the date of the order, and then and there show cause why he had not attended or testified, or produced such papers before the Board. A copy of said order shall be served upon said witness. If it shall appear to the court

District Courts' power concerning production of testimony.

Board or members thereof may file petition in the court therefor, setting forth, what.

Duty of court thereupon.

Service of order.

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that said subpoena was regularly issued by the Board, or a member thereof, and regularly served, the court shall thereupon enter an order that said witness appear at the time and place fixed in said order, and testify or produce the required papers, and upon failure to obey said order, said witness shall be dealt with as for contempt of court. The remedy provided in this section is cumulative and shall not be construed to impair or interfere with the power of the Board, or a member thereof, to enforce the attendance of witnesses and the production of papers, and to punish for contempt, in the same manner and to the same extent as courts of record.

contempt of court, when.

The remedy is cumulative and must be construed, how.

Board's power to punish for contempt.

Certified copies as evidence.

Section 18. (g) Copies of official documents and orders filed or deposited according to law in the office of the Board, certified by a member of the Board or by the secretary under the official seal of the Board to be true copies of the original shall be evidence in like manner as the originals.

Apportionment of costs and disbursements.

Section 18. (h) The costs and disbursements, incurred in any proceeding or hearing before the Board, or a member thereof, may be apportioned between the parties on the same or adverse sides in the discretion of the Board.

Books, records and pay-rolls of employers open to inspection by whom and for what purposes.

Section 19. The books, records, and pay-rolls of the employer, pertinent to the administration of this Act, shall always be open to inspection by the Board or any duly authorized employe thereof, for the purpose of ascertaining the correctness of the pay-roll; the number of men employed, and such other information as may be necessary for the Board and its management under this Act. Refusal on the part of the employer to submit said books, records, and pay-rolls for such inspection shall subject the offending employer to a penalty of One Hundred Dollars for each offense, to be collected by civil action in the name of the State, and paid into the Industrial Administration Fund.

Refusal of employer to permit such inspection.

Penalty.

Jurisdiction of Board to hear and determine all disputes and controversies arising under Act.

Section 20. (a) All proceedings to determine disputes or controversies arising under this Act shall be instituted before the Board, and not elsewhere, and heard and determined by them, except as otherwise in this Act provided, and the Board is hereby vested with full power, authority and jurisdiction to try and finally determine all such matters, subject only to review in the manner and within the time in this Act provided.

Presumption as to legality of all rules, regulations, orders, findings, etc., of or by the Board.

Section 20. (b) All orders, rules, and regulations, findings, decisions, and awards of the Board in conformity with law shall be in force and shall be prima facie lawful; and all such orders, rules, and regulations, findings, decisions, and awards shall be conclusively pre-

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sumed to be reasonable and lawful, until and unless they are modified or set aside by the Board or upon review.

Section 20. (c) After a final hearing by the Board, it shall within thirty days make and file its findings upon all facts involved in the controversy, and its award, which shall state its determination as to the right of the parties.

Final findings and awards shall be filed within 30 days and state what.

Section 20. (d) The Board in its award may fix and determine the total amount of compensation to be paid and specify the manner of payment, or may fix and determine the weekly disability indemnity to be paid and order payment thereof during the continuance of such disability; providing, however, that the payment of such award and indemnity shall be in the same manner as that of undisputed awards and indemnities coming within the particular plan provided for in this Act to which said award and indemnity belong.

Power of Board to determine and award compensation and time and manner of payment.

Proviso.

Section 20. (e) If in any proceeding it is proved that an accident has happened for which the employer would be liable to pay compensation if disability has resulted therefrom, but it is not proved that an incapacity has resulted, the Board may, instead of dismissing the application, award a nominal disability indemnity if it appears that disability is likely to result at a future time.

When a nominal disability indemnity may be awarded.

Section 20. (f) The Board shall have continuing jurisdiction over all its orders, decisions, and awards and may, at any time, upon notice, and after opportunity to be heard is given to the parties in interest, rescind, alter, or amend any such order, decision, or award made by it upon good cause appearing therefor. Any order, decision, or award rescinding, altering, or amending a prior order, decision or award, shall have the same affect as original orders, or awards.

Jurisdiction to rescind, alter or amend any order, decision, award, etc.

Section 20. (g) A full and complete record shall be kept of all proceedings and hearings had before the Board or any member thereof, of any formal hearing had and all testimony produced before the Board, or any member thereof, shall be taken down by a stenographic reporter appointed by the Board, and the parties shall be entitled to be heard in person or by attorney. In cases of an action to review any order or decision of the Board, a transcript of such testimony, together with all exhibits, and of the pleadings, records and proceedings in the cause shall constitute the record of the Board.

Complete records of all proceedings and hearings to be kept and testimony to be taken down by a stenographer.

Parties may be represented by an attorney. Record on review.

Section 20. (h) No orders or decisions of the Board shall be subject to collateral attack, and may be reviewed or modified only in the manner provided herein.

Collateral attack not permitted.

Section 21. (a) At any time within twenty days after the service of any order or decision of the Board, any

Application for rehearing to be made within 20 days.

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Grounds for rehearing.

party or parties aggrieved thereby may apply for a rehearing upon one or more of the following grounds and upon no other grounds.

1. That the Board acted without or in excess of its powers.

2. That the order, decision or award was procured by fraud.

3. That the evidence does not justify the findings.

4. That the applicant has discovered new evidence, material to him, and which he could not, with reasonable diligence, have discovered and produced at the hearing.

5. That the findings do not support the order, decision or award.

6. That the order, decision, or award is unreasonable.

Board may at any time, after notice and application, diminish or increase an award, upon what grounds.

Section 21. (b) Nothing contained in Section 21 (a) shall, however, be construed to limit the right of the Board, at any time after the date of its award, and from time to time after due notice and upon the application of any party interested to review, diminish or increase within the limits provided by this Act, any compensation awarded upon the grounds that the disability of the person in whose favor such award was made has either increased or diminished or terminated.

Application for rehearing shall set forth, what.

Section 21. (c) The application for rehearing shall set forth specifically and in full detail the grounds upon which the applicant considers said order, decision, award, rule, or regulation to be unjust or unlawful, and shall in other respects conform to such rules and regulations as the Board may prescribe.

Power to make rules of procedure on rehearings.

Force of order changing original order.

Section 21. (d) The Board shall have full power and authority to make and prescribe rules to govern the procedure upon rehearing, and any matter before it and any order made after such rehearing abrogating or changing the original order shall have the same force and effect as an original order and shall not affect any right, or enforcement of any right, arising from or by virtue of the original order.

Application for rehearing or an appeal shall not operate as a stay.

Section 21. (e) An application for rehearing or the appeal hereinafter provided shall not excuse any employer, employe, or other person, from complying with or obeying any order or requirement of the Board, or operate in any manner to stay or postpone the enforcement of an order or requirement thereof, except as the Board or the Court may direct.

Appeals to the District Court, time within which must be taken.

Section 22. (a) Within thirty days after the application for a rehearing is denied, or, if the application is granted, within thirty days after the rendition of the decision on the rehearing, and within twenty days after notice thereof, any party affected thereby may appeal

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What District Court has jurisdiction.

to the District Court of the Judicial District of the State of Montana, including the County in said State wherein the employer may have his place of residence, or if such employer be a corporation, may have its principal office or place of business, or if said appeal be prosecuted by an injured workman or his dependents, such appeal may be taken to the District Court wherein is located the county within which such workman was injured, which said appeal shall be for the purpose of having the lawfulness of the original order, decision or award, or the order, decision or award on rehearing inquired into and determined.

Purpose of appeal.

How appeal taken.

Service of notice.

Section 22. (b) Said appeal shall be taken by serving a written notice of said appeal upon the chairman of such Industrial Accident Commission, or upon any other member thereof, which said service shall be made by the delivery of a copy of such notice to such chairman or member, and filing the original with the clerk of the court to which said appeal is taken. A copy of such notice must also be served upon the adversary party if there be any, by mailing the same to said adversary party to such address of such party as said party shall have left with the Board. If such party shall have left no address with the Board then no service upon such party shall be required. The order of filing and service of said notice is immaterial. Immediately upon service upon said Board of said notice, the said Board shall certify to said District Court the entire record and proceedings, including all testimony and evidence taken by said Board, with the Clerk of said District Court. Immediately upon the return of such certified record, the District Court shall fix a day for the hearing of said cause, and shall cause notice to be served upon the Board and upon the appellant, and also upon the adversary party, if there be any. The court may, upon the hearing, for good cause shown, permit additional evidence to be introduced, but, in the absence of such permission from the Court, the cause shall be heard, on the record of the Board as certified to the court by it. The trial of the matter shall be de nova, and upon such trial the court shall determine whether or not the Board regularly pursued its authority, and whether or not the findings of the Board ought to be sustained, and whether or not such findings are reasonable under all the circumstances of the case.

Record to be certified to District Court.

Fixing day of hearing.

When additional evidence may be introduced on appeal.

Trial de nova.

Court to determine what.

Right of appearance and duty of Board to appear.

Section 22. (c) The Board, and each party to the action or proceeding before the Board, shall have the right to appear in the proceeding, and it shall be the duty of the Board to so appear. If the Court shall find

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Court shall set aside conclusions, orders, etc., of the Board when.

from such trial, as aforesaid, that the findings and conclusions of the Board are not in accordance with either the facts or the law, or that they ought to be other or different than those made by the Board, or that any finding and conclusion or any order, rule or requirement of the Board is unreasonable, the Court shall set aside such finding, conclusion, order, judgment, decree, rule, or requirement of said Board, or shall modify or change the same as law and justice shall require, and the Court shall also make and enter any finding, conclusion, order or judgment that shall be required, or shall be legal and proper in the premises.

Judgment and findings of the court.

Appeals to the

Section 22. (d) Either the Board, or the appellant, or any adversary party, if there be one, may appeal to the Supreme Court of the State of Montana, from any final order, judgment or decree of the said District Court, which said appeal shall be taken in like manner as appeals are now taken in other civil actions to the said Supreme Court, and upon such appeal the said Supreme Court shall make such orders in reference to a stay of proceedings as it finds to be just in the premises, and may stay the operation of any order, judgment, or decree of said District Court without requiring any bond or undertaking from the applicant for such stay. When any such cause is so appealed it shall have precedence upon the calendar of the said Supreme Court, and shall be tried anew by said Supreme Court upon the record made in said District Court and before said Board, and judgment and decree shall be entered therein as expeditiously as possible.

Power of Supreme Court.

Cause to have precedence on calendar of Supreme Court.

Appropriation out of State Treasury.

Section 23. (a) There is hereby appropriated out of the State Treasury, the sum of Fifty Thousand ($50,000.00) Dollars, or so much thereof as may be necessary, to be known as the Industrial Administration Fund, out of which the salaries, traveling and office expenses of the Board shall be paid, and all other expenses incident to the administration of this Act.

Appropriation from Industrial Accident Fund.

Section 23. (b) There is hereby appropriated out of the Industrial Accident Fund such sums as may be necessary to pay the Compensation provided for in this Act.

Court to give liberal construction to Act.

Section 24. (a) Whenever this Act, or any part or section thereof, is interpreted by a court, it shall be liberally construed by such court.

Effect of decision holding any part of Act unconstitutional.

Section 24. (b) If any section, subsection, subdivision, sentence, clause, paragraph, or phrase of this Act is for any reason held to be unconstitutional or void, such decision shall not affect the validity of the remaining portions of this Act, so long as sufficient remains of

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the Act to render the same operative and reasonably affective for carrying out the main purpose and intention of the Legislature in enacting the same as such purpose and intention may be disclosed by the Act.

Money coming into Industrial Accident Fund to be held in trust.

Section 24. (c) The moneys coming into the Industrial Accident Fund shall be held in trust for the purpose for which such fund is created, and if this Act shall be hereafter repealed, such moneys shall be subject to such disposition as may be provided by the Legislature repealing this Act; in default of such legislative provision, distribution thereof shall be in accordance with the justice of the matter, due regard being had to obligations of compensation incurred and existing.

Disposition in case of repeal of Act.

Pending actions not affected by this Act.

Section 24. (b) This Act shall not affect any action pending or any cause of action existing on the thirtieth day of June, 1915.

Annual report of Board to be made not later than October 1st showing what.

Section 25. (a) The Board shall, not later than the first day of October of each year, make a report to the Governor covering its entire operations and proceedings for the preceding fiscal year, with such suggestions or recommendations as it may deem of value for public information. A reasonable number of copies of such report shall be printed for general distribution.

Copies for general distribution.

When Act to take effect.

Section 25. (b) This Act shall take effect and be in force from and after its passage and approval, except as to its compensation provisions, which shall not take effect until the first day of July, 1915.

PART II.

COMPENSATION PLAN NUMBER ONE.

When and how employer may elect to adopt.

Section 30. (a) Any employer in the industries, trades, works, occupations, or employments in this Act specified as hazardous, by filing his election to become subject to and be bound by Compensation Plan Number One, upon furnishing satisfactory proof to the Board of his solvency and financial ability to pay the compensation and benefits in this Act provided for, and to discharge all liabilities which are reasonably likely to be incurred by him during the fiscal year for which such election is effective, may by order of the said Board, make such payments directly to his employes as they may become entitled to receive the same under the terms and conditions of this Act.

Direct payment to injured employe.

Proof of solvency of employer electing Plan No. One to be filed when and how.

Section 30. (b) Every such employer now or hereafter engaged in the State of Montana, in the industries, trades, works, occupations or employments herein mentioned, and who shall have elected to be bound by such Compensation Plan Number One, shall file such proof

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of his solvency within the time and in such form as may be prescribed by the rules or orders of the Board.

When employer electing Plan No. One to be permitted to carry on business and settle directly with employe.

If such employer, making such election, shall be found by the Board to have the requisite financial ability to pay the compensation and benefits in this Act provided for, then the Board shall grant to such employer permission to carry on his said business for the fiscal year within which such election is made, and such proof filed, or the remaining portion of such fiscal year, and to make such payments directly to his employes as they may become entitled to receive the same. Every employer, so long as he continues in his said employment, and so long as he continues to be bound by such Compensation Plan Number One, shall at least thirty days before the expiration of each fiscal year, renew his application to be permitted to continue to make such payments as aforesaid directly to his employes for the next ensuing fiscal year, and under like circumstances as those mentioned for the granting of such permission upon such first application, the Board may renew the same from year to year.

When employer shall renew his application to continue under said plan.

Additional proof of solvency may be required when.

Section 30. (c) The Board may at any time require from any employer acting under Compensation Plan Number One additional proof of solvency and financial ability to pay the compensation provided by this Act, and may at any time, upon notice to such employer, of not less than ten or more than twenty days, after and upon a full hearing, revoke any order or approval theretofore made.

May revoke order permitting operation under plan.

When Board may require employer electing Plan No. One to give security.

Section 30. (d) If said Industrial Accident Board shall find that such employer has not financial responsibility for the payment of the compensation herein provided to be paid which might reasonably be expected to be chargeable to such employer during the fiscal year to be covered by such permission, said Industrial Accident Board must so find, and must require such employer, before granting to him such permission, or before continuing or engaging in such employment, subject to the provisions of Compensation Plan Number One, to give security for such payment, which security must be in such an amount as said Board shall find is reasonable and necessary to meet all liabilities of such employer which may reasonably and ordinarily be expected to accrue during such fiscal year. Said security must be deposited with the Treasurer of the Board and may be a certain estimated per centum of said employer's last preceding annual pay-roll, or a certain per centum of the established amount of his annual pay-roll for said fiscal year, or said security may be in the form of a bond or undertaking executed to said Industrial Accident Board in the

Amount of security.

Deposited when.

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amount to be fixed by it with two or more sufficient sureties, which undertaking must be conditioned that such employer will well and truly pay, or cause to be paid, all such sums and amounts for which the employer shall become liable under the terms of this Act to his employes during said fiscal year or such security may consist of any State, county, municipal, or school district bonds, or the bonds or evidence of indebtedness of any individuals or corporations which the Board may deem solvent; and every such deposit and the character and amount of such securities shall at all times be subject to approval, revision, or change by the Board as in its judgment may be required, and upon proof of the final payment of the liability for which such securities are given, such securities, or any remaining part thereof, shall be returned to the depositor. The Treasurer of the Board and his bondsmen shall be liable for the value and safe keeping of all such deposits or securities, and shall, at any time, upon demand of the bondsmen or the depositor or the Board, account for the same, and the earnings thereof.

Condition of bond given as security.

Municipal bonds or other solvent securities.

When securities to be returned to employer.

Treasurer of Board liable for safe keeping of securities.

Section 30. (e) Upon the failure of said employer to pay any compensation provided for in this Act upon the terms and in the amounts and at the times when the same shall become due and payable, it shall be the duty of such State Accident Board, upon demand of the person to whom compensation is due, to apply any deposits made with the Board to the payment of the same, and it shall be its duty to take the proper steps to convert any securities on deposit with the said Board, or sufficient thereof, into cash and to pay the same upon the liabilities of said employer, accruing under the terms of this Act, and it shall be its duty, insofar as the same shall be necessary, to collect and enforce the collection of the liability of all sureties upon any bonds which may be given by the said employer to insure the payment of his said liability. And to these ends, and for these purposes, the Board shall be deemed to be the owner of said deposit and security and the obligee in said bond in trust for the said purposes and may proceed in its own name to recover upon such bonds or foreclose and liquidate said securities.

When employer fails to pay compensation duty of Board to reduce securities to cash and pay the liability.

Board when necessary to enforce liability of sureties on bond.

Board deemed owner of securities in trust for what purpose.

Section 30. (f) Within thirty days after the happening of an accident where death or the nature of the injury renders the amount of future payments certain, or reasonably certain, the employer shall make a deposit or give security as herein defined with the Treasurer of the Board for the protection and guaranty of the payment of such liability in such sum as the Board may

When employer shall make deposit or security to guarantee payment of compensation.

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Proviso.

direct; provided, however, that if sufficient securities are already on deposit with the said Board or if the said Board, shall have determined that the employer has sufficient financial responsibility to meet said liability of the said employer, together with other liabilities already accrued, no such additional deposit or security shall be demanded.

How employer may be relieved from liability.

Section 30. (g) Any employer against whom liability may exist for compensation under this Act may, with the approval of the Board, be relieved therefrom by (1) depositing the present value or the estimated present value of the total unpaid compensation for which such liability exists, assuming interest at five per centum per annum, with the Treasurer of the Board; or (2) purchasing an annuity within the limitations provided by law, in any insurance company granting annuities, and authorized to transact business in this State, subject to the approval of the Board.

PART III.

COMPENSATION PLAN NUMBER TWO.

Employer electing Plan No. Two to insure his liability.

Section 35. (a) Any employer in the industries, trades, works, occupations, or employments in this Act specified as hazardous, by filing his election to become subject to and bound by Compensation Plan Number Two, may insure his liability to pay the compensation and benefits herein provided for, in any insurance company authorized to transact such business in this State.

Duty of employer electing Plan No. Two.

Section 35. (b) Any employer electing to become subject to and bound by Compensation Plan Number Two shall file with the Board written acceptance of the provisions of Compensation Plan Number Two, together with a statement upon forms provided by the Board of the nature of his employment, the character and location of his works, the number of men employed during the preceding year, or any part of the preceding year, and the probable number of men to be employed during the first fiscal year to be covered by such election, and the Board shall thereupon, determine the amount of insurance which will be reasonably necessary to secure the compensation with which the said employer may reasonably be expected to become chargeable during such fiscal year. And thereupon, the said employer shall file the policy or policies of insurance herein provided for with the Board, which policy or policies shall insure in the amounts so fixed by the Board against any and all liability of the employer to pay the compensation and benefits provided for in this Act. The amount of such insurance shall be fixed by the Board for each ensuing fiscal year during

Board to determine amount of insurance necessary. Policy of insurance to be filed with the Board.

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which said employer shall engage in his said employment, and shall remain subject to the provisions of Compensation Plan Number Two, and for the purpose of fixing such amount of said insurance, the said Board may make all reasonable and necessary investigation, and the said employer shall furnish to such Board all information which it may require.

Board to annually fix amount of insurance.

Section 35. (c) All policies insuring the payment of compensation under this Act must contain a clause to the effect that as between the employe and the insurer the notice to, or knowledge of the occurrence of the injury on the part of the insured shall be deemed notice or knowledge, as the case may be, on the part of the insurer; that jurisdiction of the insured for the purpose of this Act shall be jurisdiction of the insurer; and that the insurer shall, in all things, be bound by and subject to the awards, orders, judgments, or decrees rendered against such insured.

Policies shall contain what.

Section 35. (d) No such policy shall be issued unless it contains the agreement of the insurer that it will promptly pay to the person entitled to compensation all the installments of compensation or other payments in this Act provided for and that the obligation shall not be affected by any default of the insured after the injury, or by any default in the giving of any notice required by such policy or by this Act, or otherwise. Such agreement shall be construed to be a direct promise by the insurer to the person entitled to compensation.

Agreement to be contained in policies of insurance.

Section 35. (e) Every policy for the insurance of the compensation herein provided for, or against liability therefor, shall be deemed to be made subject to the provisions of this Act. No insurer shall enter into any such policy of insurance unless its form shall have been approved by the Board, and as otherwise provided by law.

Policies deemed to be made subject to provisions of this Act.

Form of insurance must have been approved.

Section 35. (f) Every renewal of such policy shall be made and delivered to said Board at least thirty days prior to the expiration of the expiring policy.

When renewals to be made and delivered.

Section 35. (g) Within thirty days of the happening of an accident where death, or the nature of the injury renders the amount of future payments certain or reasonably certain, the insurer shall make a deposit as herein defined with the Treasurer of the Board for the protection and guaranty of the payment of such liability in such sum as the Board may direct.

Insurer shall make deposit with Board when.

Section 35. (h) Any insurer against whom liability may exist for compensation under this Act may, with the approval of the Board, be relieved therefrom by (1) depositing the present value or the estimated present value of the total unpaid compensation for which such lia-

How insurer may be relieved from liability.

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bility exists, assuming interest at five per centum per annum, with the Treasurer of the Board; or (2) by purchasing an annuity within the limitations provided by law in any insurance company granting annuities and authorized to transact business in this State, subject to the approval of the Board.

Insurance policy can be cancelled only when and how.

Section 35. (i) No policy of insurance issued under the provisions of Compensation Plan Number Two shall be cancelled within the time limited for its expiration except upon thirty days' notice to the employer in favor of whom such policy is issued, and to the Board, unless such policy sought to be cancelled shall have been sooner replaced by other insurance.

Reports of insurance companies to Board.

Section 35. (j) Every insurance company transacting business under this Act, shall, at the time and in the manner prescribed by the Board, make and file with the Board such reports of accidents as the Board may require.

Insurance policies to contain clause agreeing to do what.

Section 35. (k) Every policy or contract insuring against liability for compensation under Compensation Plan Number Two must contain a clause to the effect that the insurer shall be directly and primarily liable to and will pay directly to the employe or in case of death, to his beneficiaries, or major or minor dependents, the compensation, if any, for which the employer is liable Every such policy shall at all times be subject to the approval, change, or revision by the Board, and shall contain the clauses, agreements, and promises required by this Act.

Policies subject to approval, change or revision of the Board.

Deposits made under Plan No. Two to be held in trust as security for what.

Reduction of deposit.

When and how deposits may be changed, substituted, etc.

Earnings of deposits.

Liability of treasurer of Board.

Section 35. (l) Any deposit made under the provisions of Compensation Plan Number Two shall be held in trust by the Treasurer of the Board as security for the payment of the liability for which the deposit was made. Such deposit may be reduced from time to time with the permission of the Board, as the payment of the liability of the insurer may reduce the amount required to be on deposit. Such deposit may be changed or renewed when desired by the depositor, by withdrawing the same, or any part thereof, and substituting other deposits therefor; upon proof of the final payment of the liability for which such deposit was made, any deposit remaining shall be returned to the depositor. All earnings made by such deposit shall be first applied upon any liability of the depositors and if no such liability exists, then such earnings shall upon demand be delivered to such depositor. The Treasurer of the Board and his bondsmen shall be liable for the value and safe-keeping of such deposit, and shall at any time, upon demand of his bondsmen, the depositor, or the Board, account for the same and the earnings thereof.

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PART IV.

COMPENSATION PLAN NUMBER THREE.

What necessary in electing Plan No. Three.

Section 40. (a) Every employer, subject to the provisions of Compensation Plan Number Three, shall, in the manner and at the times herein specified, pay into the State Treasury, in accordance with the following schedule, a sum equal to the percentage of his total annual pay-roll specified in this section; which said schedule is subdivided into classes, and the percentage of payments of premiums or assessments to be required from each of said classes is as follows:

Percentage of pay-roll to be paid in under Plan No. Three.

CLASS ONE—Broom or brush manufacturing, without sawmill; theatre stage employes; moving picture operators; electrotyping; engraving; lithographing; photo engraving; stereotyping; embossing; bookbinding; printing; jewelry manufacturing; not otherwise specified; SIXTY-FIVE ONE HUNDREDTHS OF ONE PER CENTUM.

CLASS TWO—Cloth, textile, and wool manufacturing, not otherwise specified; wharf employes, other than stevedores and longshoremen; EIGHT-TENTHS OF ONE PER CENTUM.

CLASS THREE—Manufacturing alcohol, drugs, other than ammonia; candy, crackers, saddles, harness, leather novelties, mattresses, not including springs or wire, paint, varnish, wagons, buggies, carriages, sleighs, cutters; operation of tugs and steamboats; manufacturing roofing paper and articles of paper not otherwise specified, paper boxes, automobiles, motor trucks, hardware; working in rubber, not otherwise specified; manufacturing boots and shoes; manufacturing articles of and working in leather not otherwise specified; ONE AND THREE-TENTHS PER CENTUM.

CLASS FOUR—Manufacturing cheese, condensed milk; operating creameries, manufacturing spices and condiments; paper hanging; kalsomining; whitewashing; making willow baskets; setting tiles; mantles and marble work, inside work only; making grease, lard, soap, tallow; inside plumbing work; installing heating systems; painting and decorating, inside work only; metal ceiling work; ONE AND FOUR-TENTHS PER CENTUM.

CLASS FIVE—Manufacturing glass; operating breweries, bottling works, grain warehouses, grain elevators; manufacturing articles of brass, copper, lead and zinc; operating machine shops, not otherwise specified; lathing, plastering; canneries of meat, fruit, vegetables, or fish, not including can manufacturing; cutting stone or paving blocks, other than in quarries, with or without

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machinery; installing electrical apparatus inside; installing fire alarm apparatus inside; covering boilers or steam pipes; concrete laying in floors, street paving or sidewalks, not otherwise specified; laying asphalt and other paving not otherwise specified; including shop and yard; manufacturing canoes and row-boats; well drilling; constructing and repairing of paving of bricks or blocks; ONE AND FIVE-TENTHS PER CENTUM.

CLASS SIX—Operating of laundries with power, dyeing, bleaching, and cleaning works; manufacturing of furniture, show-cases, office and store furniture and fixtures; cabinet making; manufacture of wire mattresses, bed springs, wooden coffins, caskets, rough wooden boxes for coffins; building hot houses, working in food stuffs, fruits, edible oils or vegetables, not otherwise classified; operating flour mills, chop mills, feed mills; ONE AND SIX-TENTHS PER CENTUM.

CLASS SEVEN—Manufacturing wood fibre ware; installing automatic sprinklers or ventilating systems; setting glass; erecting fireproof doors and shutters inside of buildings; operating tanneries, sugar factories; beveling glass; manufacturing peat fuel; building wooden stairs; manufacturing brick, including kilns and buildings and diggings in pits, brickettes, brooms with sawmills, earthenware, fire clay, porcelain ware, pottery, tile, terra cotta; brush making with sawmills; ONE AND EIGHT-TENTHS PER CENTUM.

CLASS EIGHT—Manufacturing of ammonia; operating water works, gas works; grading, either of streets or otherwise, or road making, without blasting; construction of plank road, plank street or plank sidewalk; operating creosoting works, pile treating works; treating ties or other timber products; plumbing, both at and away from the shop, including house connections, without blasting; construction of water works, gas works and coke ovens, including laying of mains and connections, without blasting; ONE AND NINE-TENTHS PER CENTUM.

CLASS NINE—Manufacturing artificial ice; operating refrigerator plants, cold storage plants, foundries, packing houses, including slaughtering; manufacturing agricultural implements, threshing machinery, traction engines, harvesting machinery; manufacturing asphalt; operating steam heating and power plants; manufacturing gas or gasoline engines; operating ferries; stone crushing; not at quarries; boat or ship building, other than canoes or row-boats, without scaffolds; laying hot flooring compositions, not otherwise specified; operating stock yards; TWO PER CENTUM.

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CLASS TEN—Operating paper mills, pulp mills, longshoring, stevedoring, manufacturing fertilizers; operating garbage works; incinerators, crematories, lime kilns or burners, no quarrying; installing boilers, steam engines, dynamos, machinery not otherwise specified; putting up belts for machinery; manufacturing barrels, kegs, pails, staves, tubs, excelsior, veneer, packing cases, sash, doors and blinds; operation and maintenance of interurban railways, without third rail; TWO AND TWO-TENTHS PER CENTUM.

CLASS ELEVEN—Millwrighting, not otherwise specified; manufacturing building material, not otherwise specified; working in building material, not otherwise specified; TWO AND ONE-QUARTER PER CENTUM.

CLASS TWELVE—Operation of smelters; manufacturing of metallic coffins; manufacturing of iron or steel; boat or ship rigging; planing mills, independent; cement manufacturing; operating blast furnaces; TWO AND THREE-TENTHS PER CENTUM.

CLASS THIRTEEN—Street or road making, with blasting; manufacturing wood baskets, kindling wood, window and door screens, cordage and rope; manufacturing and refining oil; placing wires in conduits; TWO AND FOUR-TENTHS PER CENTUM.

CLASS FOURTEEN—Concentrating and amalgamating of ores; wood working, not otherwise specified; operating gravel bunkers; hauling gravel; operating gravel pits; operating wood saws; painting, exterior work; operating boiler works; making steam shovels; boilers; shipwrighting; operating sawmills, lath mills; bridge work factories; operation of and work in mines, other than coal; TWO AND FIVE-TENTHS PER CENTUM.

CLASS FIFTEEN—Operating rolling mills; manufacturing tanks, not otherwise specified; erecting and repairing advertising signs; harvesting and storing of ice, including loading on cars; making and repairing of locomotives and railroad cars; cutting stone at stone yards connected with quarries; boat or ship building with scaffolds; logging operations, with or without machinery; booming or driving logs, ties, or other timber products; operating shingle mills; operating quarries; TWO AND THREE-QUARTERS PER CENTUM.

CLASS SIXTEEN—Operating dredges; construction of telephone and telegraph systems; construction of dams and reservoirs, electric light and power plants, water works and water systems; installing furnaces; constructing blast furnaces; sewer building, maximum depth of excavation at any point seven feet; operation and maintenance of steam railways, including logging railways; operating coal mines; THREE PER CENTUM.

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CLASS SEVENTEEN—Operating dry docks, including floating dry docks; ornamental metal work within buildings; electric railway construction, without rock work or blasting; railroad construction, including street and cable railways, without rock work or blasting; building canals, without rock work or blasting; installing freight or passenger elevators; operation of telephone and telegraph systems; making dredges; constructing dry docks; THREE AND ONE-QUARTER PER CENTUM.

CLASS EIGHTEEN—Carpenters not otherwise specified; constructing grain elevators, not metal framed; stump pulling with donkey engines; steam, electric and cable railway construction, with rock work or blasting; construction of logging railways, with rock work or blasting; operation and maintenance of electric railways using third rail, and street railways, all systems, including electric and cable; operation and maintenance of electric light and power plants, including transmission systems and extensions of lines; electric systems, not otherwise specified; THREE AND ONE-HALF PER CENTUM.

CLASS NINETEEN—Pile driving; clearing land with blasting; galvanized iron or tin works; marble work; fire proofing of buildings, by means of wire netting and concreting; cellar excavation, with or without blasting; THREE AND THREE-QUARTERS PER CENTUM.

CLASS TWENTY—Constructing breakwaters, marine railways and jetties; installation and repair of electrical apparatus, not otherwise specified, outside work only; stamping of metal or tin; building trestles and tunnels other than mining; shaft sinking, not otherwise specified; FOUR PER CENTUM.

CLASS TWENTY-ONE—Moving safes, boilers, machinery; construction of tanks, water-towers, windmills, not metal frame; plumbers making house connections with blasting; roof work; slate work; stone work; stone setting; brick work construction, not otherwise specified; construction of canals, with rock work or blasting; bridge building, wooden; construction of floating docks; constructing chimneys of metal or concrete; FOUR AND ONE-HALF PER CENTUM.

CLASS TWENTY-TWO—Excavations, not otherwise specified; laying of mains and connections, with blasting; sewer building, where maximum depth of excavation at any point exceeds seven feet; blasting, not otherwise specified; manufacturing fire works; FIVE PER CENTUM.

CLASS TWENTY-THREE—Erecting fire escapes, fire-

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proof doors and shutters outside of buildings; building concrete structures, not otherwise specified; concrete or cement work not otherwise specified; SIX PER CENTUM.

CLASS TWENTY-FOUR—Constructing iron or steel frame structures or parts; constructing and repairing steel frames and structures; sub-aqueous works; caisson works; SIX AND ONE-HALF PER CENTUM.

CLASS TWENTY-FIVE—House moving, house wrecking; construction or repair of steeples; construction of brick chimneys; SIX AND THREE-QUARTERS PER CENTUM.

CLASS TWENTY-SIX—Manufacturing powder, dynamite and other explosives, not otherwise specified; TEN PER CENTUM.

To consist of employers and employes engaged in non-hazardous work, electing to come under.

CLASS TWENTY-SEVEN—Any employer and his employes engaged in non-hazardous work or employment, by their joint election, filed with and approved by the Board, may accept the provisions of Compensation Plan Number Three. In such event, such employer and employes shall be known as Class Twenty-seven, the rate of assessment in which shall be ONE-HALF OF ONE PER CENTUM.

How assessments to be computed when employment embraces different classifications.

Section 40. (b) If a single establishment or work comprises several occupations listed in Section 40 (a) in different classifications, the assessment shall be computed according to the pay-roll of each occupation if clearly separable; otherwise an average rate of assessment shall be charged for the entire establishment, taking into consideration the number of employes and the relative hazards.

What classifications are advisory only and subject to re-arrangement, etc.

Section 40. (c) The classification of hazardous occupations in Section 40 (a) and the rates of premium or assessment therein fixed are advisory only, and the Board is hereby given full power and authority to rearrange, revise, add to, take from, change, modify, increase, or decrease any classification or rate named in Section 40 (a) as in its judgment or experience may be necessary or expedient; provided, that no change in the classification or rates prescribed in Section 40 (a) shall be made effective prior to the end of the first fiscal year, and thereafter any changes so made shall not become effective until thirty days after the date of the order or decision of the Board making such change except that in case of new industries, or industries not enumerated in Section 40 (a), the Board shall have the right to make an immediate classification thereof and establish a rate therefor.

Changes not to be effective before when.

Intent and purpose of Plan No. Three.

Section 40. (d) It is the intent and purpose of Compensation Plan Number Three that each industry, trade, occupation, or employment coming under the provisions

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of said plan shall be liable and pay for all injuries happening to employes coming under the provisions of said plan, and that all funds collected by assessments as herein provided shall be paid into one common fund to be known as the Industrial Accident Fund, which fund shall be devoted exclusively to the payment of all valid claims for injuries happening in each industry, trade, occupation, or employment coming under the provisions of Compensation Plan Number Three; provided that accounts shall be kept with each industry, trade, occupation or employment in according with the foregoing classifications, or otherwise, as the Board may direct, both as to receipts and disbursements, for the purpose of providing information and statistics necessary for determining any changes in such rates or classifications.

Fund to be paid for what purpose only.

Accounts to be kept with each industry, etc.

Initial payment may be collected on or before July 15, 1915.

Section 40. (e) There shall be collected from all classes as initial payment into the Industrial Accident Fund, on or before the fifteenth day of July, 1915, one-fourth of the premium of assessment for that fiscal year, and one-twelfth thereof at the first of each month beginning with October first, 1915; provided, that if such fund shall have a sufficient balance on hand at the end of the first three months, or any month thereafter, to meet the requirements of the Industrial Accident Fund, no assessment shall be called for such month.

Proviso.

First payment collected on what pay-roll. Annual adjustment of accounts.

Manner and time of making payments by new employers.

Section 40. (f) The first payment shall be collected upon the pay-roll of the months of April, May and June, 1915. At the end of each calendar year an adjustment of the account shall be made upon the basis of the actual pay-roll. Any shortage shall be made good within thirty days thereafter. Every employer who shall enter into business at any intermediate day shall make his payments in the same manner and upon the same basis before commencing operations; the amount of such payments shall be calculated upon his estimated pay-roll, and an adjustment shall be made on or before February first in the year following, in the manner above provided.

In case of default rate to be advanced 25 per centum until what time.

Section 40. (g) Any employer who is in default in the observance of any order of the Board, issued pursuant to the provisions of Sections 40 (a) to 40 (f) inclusive, shall, in addition to any other penalty provided by this Act, be charged an advance of twenty-five per centum over the established rate, and such advanced rate shall continue and be in force until such employer shall have ceased to be in such default.

Changes in classification of risks to be equalized when.

Section 40. (h) Any change in classification of risks or premium rates, or any change caused by change in the class of work, occurring during the calendar year, shall be equalized by the Board within thirty days after the

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end of such year in proportion to its duration in accordance with the schedules provided in this Act.

If Industrial Accident Fund not sufficient for any class at end of year deficiency to be made good when and by whom.

Section 40. (i) If, at the end of any year, it shall be seen that the contribution to the Industrial Accident Fund by any class of industry shall be less than the drain upon such fund on account of that class, the deficiency shall be made good to the fund on the first day of February of the following year by the employers of that class in proportion to their respective payments for the previous year.

Amount to be set apart when required payment is reasonably certain in case of accident.

Section 40. (j) Upon the happening of an accident where death, or the nature of the injury renders the amounts of future payments certain or reasonably certain, the Board shall forthwith cause the Treasurer of the Board to set apart out of the Industrial Accident Fund a sum of money, to be calculated on the basis of the maximum sum required to pay the compensation accruing on account of such injury, which will meet such required payments not exceeding, however, the sum of Four Thousand Dollars for any one case.

Limit and amount.

Such reserve to be invested in bonds or securities named.

Section 40. (k) The Treasurer of the Board shall invest such reserve in bonds of the United States, bonds of the State of Montana, or bonds of any county, city, or school district in the State of Montana, or any other security which may be approved by said Board, and out of the same and its earnings shall be paid the monthly installments, and any lump sum then or thereafter arranged for the case. Any deficiency shall be made good out of, and any balance or overplus shall revert to the Industrial Accident Fund.

Monthly instalments, etc., to be paid out

Making good deficiency.

Treasurer to keep accurate accounts of all such segregations.

To divert from main fund, what.

Section 40. (l) The Treasurer of the Board shall keep an accurate account of all such segregations of the Industrial Accident Fund, and upon direction of the Board shall divert from the main fund any sums necessary to meet monthly payments, pending the conversion into cash of any security, and in such case shall repay the same out of the cash realized from the security.

In case of default by employer amount due to be collected how.

Section 40. (m) If any employer shall default in any payment to the Industrial Accident Fund, the sum due may be collected by an action at law in the name of the State, and such right of action shall be cumulative.

Injury happening while employer is in default.

Section 40. (n) For any injury happening to any of his workmen during default in any payment to the Industrial Accident Fund, the defaulting employer as to such injury shall be considered as having elected not to come under the provisions of this Act, except that he shall be and remain liable to pay to the Industrial Accident Fund the amount of such default, together with the penalty prescribed by Section 40 (g).

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Person entitled to sue may elect to take under this Act. and assign his cause of action to the State.

Section 40. (o) The person entitled to sue under the provisions of Section 40 (n) shall have the option of proceeding by suit or taking under this Act. If such person take under this Act, the cause of action against the employer shall be assigned to the State for the benefit of the Industrial Accident Fund. If such person shall elect to proceed against the defaulting employer, such election shall constitute a waiver of any right to compensation under the provisions of this Act.

Suit vs. employer a waiver of rights under Act.

Prosecution or settlement of assigned cause of action.

Section 40. (p) Any cause of action assigned to the State under the preceding section may be prosecuted or compromised by the Board in its discretion.

Application for compensation under Plan No. Three.

Section 40. (q) Where a workman is entitled to compensation under Compensation Plan Number Three, he shall file with the Board his application therefor, together with the certificate of the physician who attended him, and it shall be the duty of such physician to lend all necessary assistance in making application for compensation and such proof of other matters as may be required by the rules of the Board without charge to the workman.

Duty of physician.

Physician to be paid out of what fund.

Section 40. (r) For a proper compliance with the provisions of the preceding section, the physician, after approval by the Board, shall be paid out of the Industrial Administration Fund One and One-half Dollars for each case.

Application in case of death.

Section 40. (s) Where death results from the injury, the parties entitled to compensation under Compensation Plan Number Three, or someone in their behalf, shall make application for the same to the Board. The application must be accompanied with proof of death and proof of relationship, showing the parties entitled to compensation, certificate of the attending physician, if any, and such other proof as may be required by the rules of the Board.

Application to be accompanied by proof of death and relationship.

What to be included in computing compensation in hazardous employment.

Section 40. (t) In computing the pay-roll, the entire compensation received by every workman employed in the hazardous occupations enumerated in this Act, shall be included, whether it be in the form of salary, wage, piecework, overtime, or any allowance in the way of profit-sharing premium, or otherwise, and whether payable in money, board or otherwise.

Disbursements out of Industrial Accident Fund.

Section 40. (u) Disbursements out of the Industrial Accident Fund shall be made by the Treasurer of the Board as the Board may order. If at any time there shall not be sufficient money in the Accident Fund with which to pay any warrants drawn thereon, the employer. on account of whose workmen the warrant was drawn, shall pay the same, and upon his next contribution to such fund he shall be credited with the amount so paid with interest

Employer shall pay warrant when. Credit to be given.

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thereon at the rate of six per centum per annum from the date of such payment to the date upon which the next assessment becomes payable, and if the amount of the credit exceeds the amount of such assessment, he shall have a warrant upon such fund for the excess, and if said warrant be not paid for want of funds, it shall be credited to such employer and be applied upon succeeding assessments.

Excess to be refunded employer by a warrant.

Section 40. (v) All earnings made by the Industrial Accident Fund by reason of interest paid for the deposit thereof, or otherwise, shall be credited to and become a part of said fund, and the making of profit, either directly or indirectly, by the Treasurer of the Board, or any other person, out of the use of the Accident Fund shall constitute a felony, and on conviction thereof shall subject the person making such profit to imprisonment in the State Penitentiary for a term not exceeding two years, or a fine not exceeding Five Thousand Dollars, or both such fine and imprisonment, and the Treasurer of the Board shall be liable upon his official bond for all profits realized for any unlawful use of the said fund.

Earnings and interest on deposits.

Treasurer shall not make profit out of fund.

Penalty.

Liability on official bond.

PART V.

SAFETY PROVISIONS.

Section 50. (a) No employer shall construct, maintain, or operate, or cause to be constructed, maintained, or operated any place of employment that is not safe.

Unsafe places for workmen forbidden.

Section 50. (b) No employe shall remove, displace, damage, destroy, or carry off any safety device or safeguard furnished and provided for use in any employment or place of employment, or interfere in any way with the use thereof by any other person, or interfere with the use of any method or process adopted for protection of any employe in such employment or place of employment, or fail or neglect to do anything reasonably necessary to protect the life and safety of himself and other employes.

Removal of safety devices, etc., forbidden.

Section 50. (c) The Board is vested with full power and jurisdiction over and shall have such supervision of every employment and place of employment in this State as may be necessary adequately to enforce and administer all laws and all lawful orders requiring such employment and place of employment to be safe and requiring the protection of the life and safety of every employe in such employment or place of employment.

Jurisdiction and supervision of Board over employment and places of employment.

Section 50. (d) The Board shall have power, in addition to other powers herein granted, by general or special orders, rules or regulations, or otherwise:

Powers of Board regarding safety of employes.

1. To declare and prescribe what safety devices, safeguards, or other means or methods of protection as are

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well adapted to render employes and places of employment safe.

2. To fix such reasonable standards and to prescribe, modify, and enforce such reasonable orders for the adoption, installation, use, maintenance, and operation of safety devices, safeguards, and other means and methods of protection, as may be necessary for the protection of the life and safety of employes.

3. To fix and order such reasonable standards for the construction, repair and maintenance of places of employment as shall render them safe.

4. To require the performance of any act necessary for the protection of life and safety of employes.

5. To declare and prescribe the general form of industrial accident reports the accidents to be reported and the information to be furnished in connection therewith, and the time within which such reports shall be filed. Nothing in this Act contained shall be construed to prevent the Board from requiring supplemental accident reports; provided, however, that where, by the laws of the State of Montana, the manner or method of carrying on any business, or the rules or regulations in relation thereto, or the character or kind of safety devices has been prescribed, no other or additional requirements shall be made by the Board, but it shall be the duty of the Board to see that the employer lives up to and obeys said laws.

No additional requirements shall be made when.

Publication of notice hearing for purpose of considering and issuing general safety orders.

Effect of inaccuracy in such notice.

Section 50. (e) Upon the fixing of a time and place for the holding of a hearing for the purpose of considering and issuing a general safety order or orders, the Board shall cause a notice of such hearing to be published in one or more daily newspapers of general circulation, published and circulated in the State. No defect or inaccuracy in such notice, or in the publication thereof shall invalidate any general order issued by the Board after a hearing has been had.

Places of employment defined as hazardous to be inspected at least once each year.

Purpose of inspection.

Section 51. (a) After July 1, 1915, every place of employment of a work or occupation defined by Sections 4 (a), 4 (b), 4 (c), 4 (d), 4 (e), and 5 of this Act to be hazardous, shall be inspected, at least once during each year, by an inspector or examiner appointed by the Board. Such inspection shall be for the purpose of determining the condition and operation of such places of employment, as regards the safety of employes working therein, and the use of safeguards, safety appliances, and reasonably safe tools and appliances.

Report of inspection.

Section 51. (b) A report of such inspection shall be filed in the office of the Board and a copy thereof given the employer.

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Certificate of safety of inspected place to be displayed how and where.

Section 51. (c) Each place of employment inspected as provided in Section 51 (a) and found in a satisfactory condition shall receive from the Board, upon payment of the inspection fees hereinafter provided for, a certificate to that effect, which certificate must be prominently displayed, under glass, in one of the principal places of the establishment so inspected.

When Board may order safety devices, guards, etc., installed in any place.

Section 51. (d) If, after such inspection and report, thereof, to the Board, it shall be found that any such place of employment is not constructed, maintained or operated as provided in this Act, the Board shall order the installation, use, maintenance and operation, within such reasonable time as the Board may direct, of such safety devices, safeguards, and other means and methods of protection as may be necessary to reasonably insure the safety of the workmen employed therein, subject to the provisions of Section 51 (e).

When Board or inspector may order place of employment closed and put in safe condition.

Section 51. (e) If after such inspection, the Board or any inspector or examiner thereof, shall find such place of employment in such an unsafe condition as to constitute an immediate menace to the safety of the workmen employed therein, the Board, or any inspector or examiner thereof, may order any such place of employment closed, or the work therein to cease, until such safety devices, safeguards, and other means and methods, or changes or removals, as may be ordered by the Board, or any inspector or examiner thereof, shall have been installed, repaired, changed, or removed, and such place of employment put in such condition as will reasonably insure the safety of the workmen employed therein.

Fee for annual inspection to be paid by employer.

Section 52. (a) For each annual inspection made under the provisions of this section, the employer shall pay, at the time of such inspection, a fee of five cents for each one thousand dollars or fraction thereof of his annual pay-roll for the preceding year; provided, that no inspection fee under this section shall be less than Five Dollars.

Minimum inspection fee.

Fees in subsequent inspections.

Section 52. (b) The fees for any subsequent or re-inspection made during any year in which an annual inspection shall have been made, shall be:

Where the annual pay-roll for the preceding year shall have been not more than Twenty-five Thousand ($25,000.00) Dollars, Five ($5.00) Dollars.

Where the annual pay-roll for the preceding year shall have been more than Twenty-five Thousand ($25,000.00) Dollars but not more than One Hundred Thousand ($100,000.00) Dollars, Ten ($10.00) Dollars.

Where the annual pay-roll for the preceding year shall have been more than One Hundred Thousand ($100,000.00)

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Dollars but not more than Five Hundred Thousand ($500,000.00) Dollars, Twenty ($20.00) Dollars.

Where the annual pay-roll for the preceding year shall have been more than Five Hundred Thousand ($500,000.00) Dollars but not more than One Million ($1,000,000.00) Dollars, Forty ($40.00) Dollars.

Where the annual pay-roll for the preceding year shall have been more than One Million ($1,000,000.00) Dollars, Fifty ($50.00) Dollars.

Inspection fees and fines to be paid monthly into what fund.

Section 52. (c) All fees received by the Board for inspection, or for subsequent or re-inspection, and all fines imposed or collected for a violation of the safety provisions of this Act shall be paid monthly to the State Treasurer who shall credit such payments to the Industrial Administration Fund.

Orders concerning places and employments found to be unsafe.

Section 53. (a) Whenever the Board shall find, that any employment or place of employment is not safe, or that the practice or means or methods of operation or processes employed or used in connection therewith are unsafe, or do not afford adequate protection to the life and safety of employes in such employments and places of employment, the Board shall make and enter and serve such order relative thereto as may be necessary to render such employment or place of employment safe and protect the life and safety of employes in such employments and places of employment, and may in said order direct that such additions, repairs, improvements or changes be made; and such safety devices, and safeguards be furnished, provided and used as are reasonably required to render such employment or places of employment safe, in the manner and within the time specified in such order.

Board may grant time within which to comply with any order.

Section 53. (b) The Board may, upon application of any employer or other person affected thereby, grant such time as may reasonably be necessary for compliance with any order, and any person affected by such order may petition the Board for an extension of time, which the Board shall grant if it finds such an extension of time necessary.

Board may summarily investigate places, etc., believed to be unsafe.

Section 53. (c) Whenever the Board shall learn, or have reason to believe that any employment or place of employment is not safe or is injurious to the welfare of any employe, it may summarily investigate the same, with or without notice or hearings, and enter and serve such order as may be necessary relative thereto.

Compliance with orders, directions, rules, etc., enjoined.

Section 53. (d) Every employer, employe and other person shall obey and comply with each and every requirement of every order, decision, direction, rule or regulation made or prescribed by the Board, and shall do everything necessary or proper in order to secure compliance

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with, and observance of every such order, decision, rule, or regulation.

Act not to be construed to deprive any other public corporation, board or department of any power or jurisdiction.

Effect of order in regard to rules and orders of other departments of government.

Section 53. (e) Nothing contained in this Act shall be construed to deprive any other public corporation, board or department of any power or jurisdiction over or relative to any place of employment; provided, that whenever the Board shall, by order, fix a standard of safety for employments or places of employment, such order shall, upon the filing by the Board of a copy thereof with the secretary or clerk of any such public corporation to which, or within whose jurisdiction it may apply, establish a minimum requirement concerning the matters covered by such order, and shall be construed in connection with any local order relative to the same matter and to amend or modify any requirement in such local order not up to the standard of the order of the Board.

Orders, rules, regulations, findings, etc., of Board to be admitted as evidence when.

Section 53. (f) Every order of the Board, general or special, its rules or regulations, findings or decisions shall be admissible in evidence in any prosecution for, or suit to prevent, the violation of any of the provisions of this Act, and shall be presumed to be reasonable. This presumption is, however, a rebuttable presumption.

Board may investigate cause of all industrial accidents.

Orders and recommendations concerning same.

Such orders and recommendations not to be used as evidence where.

Section 53. (g) The Board may investigate the cause of all industrial accidents occurring in any employment or place of employment, or directly or indirectly arising from, or connected therewith, resulting in personal injury or death; and the Board shall have the power to make such orders or recommendations with respect to such accidents as may be just and reasonable, provided that neither the order nor the recommendation of the Board, nor any accident report filed with the Board, shall be admitted as evidence in any action for damages, or any proceeding to recover compensation, based on or arising out of such injury or death.

When rate upon place may be advanced 50 per centum, and continued until when.

Section 53. (h) If, by reason of poor or careless management, or otherwise, any place of employment be unduly dangerous, in comparison with other like places of employment, and the employer operating the same shall not have complied with the safety provisions of this Act, and such employer shall be under Compensation Plan Number Three, the Board, in addition to any other penalty provided by this Act, shall advance the rate upon such place of employment fifty per centum, and such advanced rate shall continue and be in force until such place of employment shall have ceased to be unduly dangerous in comparison with other like places of employment, and such employer shall have obtained a certificate of the inspector or examiner provided for herein.

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Violation of any safety provision or refusal to comply therewith, etc., a misdemeanor.

Section 54. Every employer, employe, or other person, who either individually or acting as an officer, agent or employe of a corporation, or other person, violates any safety provisions contained in this Act, or any part of any such provision, or who shall fail or refuse to comply with any such provision or any part thereof or who directly or indirectly, knowingly induces another so to do, is guilty of a misdemeanor.

Inspection of mines shall be made by whom.

Section 55. (a) Whenever in this Act the inspection of mines is referred to, such inspection shall be made by the Inspector of Mines, or his deputy, and nothing in this Act contained shall be construed as modifying or limiting in any way the duties required to be performed by the Inspector of Mines as may be otherwise provided by law; provided, however, that the Inspector of Mines shall collect and account for the fees herein prescribed for inspection or subsequent or re-inspection.

Fees to be collected by.

No rules, etc., relating to operation of mines, valid unless concurred in by State Mine Inspector.

No rule, regulation or requirement relating to the operation of mines within the State of Montana made by said Board shall be lawful or valid unless the same shall be concurred in and approved by the State Mine Inspector, and shall have been within the power of the said State Mine Inspector, to make in the first instance.

Orders, directions or requirements of Inspector of Mines filed with the Board to have what force.

Section 55. (b) A copy of any order, direction or requirement of the Inspector of Mines shall be filed with the Board and shall thereupon become and have all the force and effect of an order of the Board, subject only to review by the court, as in this Act provided.

Repealing clause.

Section 56. All Acts and parts of Acts in conflict herewith are hereby repealed.

Act to take effect.

Section 57. This Act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1915.

CHAPTER 97.

"An Act to establish the position of Custodian of Records, Mementoes, Relics and Documents of the Department of Montana of the Grand Army of the Republic, and to provide for the preservation of the History of Citizens who served in the Army, Navy or Marine Corps of the United States during the Civil War, and to set apart a room in the State Capitol therefor, and to repeal Section 270, the Revised Codes of 1907, and Chapter 32 of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana."

Be it enacted by the Legislative Assembly of the State of Montana:

Appointment of custodian of records, etc., of Grand Army of the Republic.

Section 1. The Governor of the State of Montana is hereby authorized and directed to appoint a custodian of the records, mementoes, relics, documents and archives

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of the Grand Army of the Republic, and history of the residents of the State of Montana who served in the army, navy or marine corps of the United States during the civil war. The Department Commander, Department of Montana of the Grand Army of the Republic, may recommend to the Governor a suitable person to be appointed as such custodian, provided that the person appointed as such custodian must be a member of the Grand Army of the Republic of the Department of Montana.

Department commander may recommend custodian for appointment.

Must be a member of the Grand Army.

Section 2. The Governor and Secretary of State, are hereby authorized and directed to set apart a suitable room in the capitol building of the State of Montana, for the storing and safe keeping of such archives, records, etc., of the Grand Army of the Republic, and said room shall be suitably furnished, and shall be under the charge of the custodian so appointed.

Room to be set aside for records, archives, etc., and be suitably furnished.

Section 3. Said room shall be used by such custodian for the purpose of storing and exhibiting relics, mementoes, archives and documents of the Civil War, and for arranging and preserving the history of the residents of Montana who served in the army, navy or marine corps of the United States during the Civil War and any other literature which the Department of Montana of the Grand Army of the Republic may collect and desire to preserve as a part of the history of the State. Such records and exhibits shall be accessible at all times under suitable rules and regulations to all residents of this State. and other persons desirous of viewing such exhibits.

Room to be used for what purposes.

Section 4. All books, records, papers, relics, mementoes and histories and other effects of whatever nature applying to the Department of the Grand Army of the Republic and accorded space in this room, shall, whenever such department ceases to exist as a department of the Grand Army of the Republic, become the property of the State of Montana.

The books, records, etc., to become property of the State, when.

Section 5. The expense of collecting and maintaining such exhibits including the salary of the custodian herein provided shall not exceed the sum of Twelve Hundred ($1200.00) Dollars, in any one year, which shall be paid by the State Treasurer, in the same manner as other expenses and salaries of the State Departments, and employees or officers are paid.

Limit to salary of custodian and expenses.

Section 6. Section 270 Revised Codes of 1907 and Chapter 32 of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana and all Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 7. This Act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1915.

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CHAPTER 98.

"An Act to amend Section 8782 of the Revised Codes of Montana of 1907 as amended by Section 31, of the Session Laws of 1913 relating to the Game Laws for the open season of deer and providing a penalty for violation thereof; to amend Section 8787 of the Revised Codes of 1907 as amended by Chapter 81 of the Session Laws of 1909, relating to the Game Laws for the open season for grouse, prairie chicken, fool-hen, sage-hen, pheasant and partridge and providing a penalty for violation thereof; to amend Section 8788 of the Revised Codes of Montana of 1907 relating to the Game Laws for the open season for water fowl and providing a penalty for violation thereof."

Be it enacted by the Legislative Assembly of the State of Montana:

Amending named existing laws.

Section 1. That Section 8782 of the Revised Codes of Montana of 1907 as amended by the Session Laws of 1913, be and the same is hereby amended to read as follows:

Closed season when deer cannot be killed.

Any person, who shall between the fifteenth day of December of any year and the first day of October of the following year, wilfully shoot, wound, kill or capture, or cause to be shot, wounded, killed or captured, any deer, or who in the open season of any calendar year,

Number of deer one person can kill per season.

shoots, wounds, kills or captures, or causes to be shot, wounded, killed or captured, more than two deer of any age, sex or variety, is guilty of a misdemeanor and upon conviction of any of the provisions of this Section shall

Penalty for violating section.

be fined in any sum of not less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00) or by imprisonment in the County Jail not less than sixty days nor more than one year, or by both such fine and imprisonment at the discretion of the Court.

Amending Sec. 8787 Revised Codes.

Section 2. That Section 8787 of the Revised Codes of Montana of 1907, as amended by Chapter 81 of the Session Laws of 1909, be and the same is hereby amended to read as follows:

Open and closed seasons for killing game birds in certain counties in the State.

Between Sept. 15th and Oct. 16th is open season in balance of State for killing game birds.

Section 8787. Any person who between the first day of October of any year, and the first day of September of the following year, in the counties of Custer, Dawson, Richland, Sheridan, Valley, Phillips, Rosebud, Big Horn, Fallon and Prairie; or between the sixteenth day of October of any year, and the fifteenth day of September of the following year in any other portion of the State of Montana, wilfully shoots or kills, or causes to be shot or killed, any grouse, prairie chicken, fool-hen, sage-hen, pheasant or partridge, or who during the open season in any portion of the State of Montana, shoots or kills, or

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causes to be shot or killed, more than five grouse, or prairie chicken, or fool-hens, or sage-hens, or pheasants or partridges, in any one day, shall be punished by a fine of not less than Fifty Dollars, nor more than Five Hundred Dollars, or by imprisonment in the county jail for a period of not less than ninety days, nor more than twelve months, or by both such fine and imprisonment.

Limit of number of birds one may kill in one day.

Penalty for violating section.

Section 3. That Section 8788 of the Revised Codes of Montana of 1907 be and is hereby amended to read as follows:

Amending Sec. 8788 Revised Codes.

Any person, who between the first day of January of any year and the first day of September of the same year, wilfully shoots or kills, or causes to be shot or killed, any wild geese, wild ducks or brant, or shall during the open season, shoot or kill, or cause to be shot or killed more than twenty wild ducks in any one day, shall be punished by a fine of not less than Twenty-five Dollars ($25.00) nor more than Five Hundred Dollars ($500.00), or by imprisonment in the County Jail for a term not exceeding three months or less than one month, or by both such fine and imprisonment.

From Sept 1 to Jan. 1 is open season for killing game water fowls.

Penalty for violating section.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 5. This Act shall be in effect from and after its passage and approval.

Approved March 8, 1915.

CHAPTER 99.

"An Act to amend Sections 1935 and 1936 of the Revised Codes of 1907, as amended by Chapter 121, Laws of the Twelfth Legislative Assembly, relating to the importation, disposal and sale of infected fruit; regulating the selling, dealing in and importation into this State for sale or distribution of nursery stock; and providing a penalty for violation thereof."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1935, Revised Codes of Montana of 1907 as amended by Chapter 121, Laws of the Twelfth Legislative Assembly, be and the same is hereby amended so as to read as follows:

Amending Sec. 1935, Revised Codes, 1907.

"Section 1935. It shall be unlawful for any person, firm or corporation to import into this State, sell, barter, or otherwise dispose of, or offer for sale, or have in his possession for the purpose of sale or barter, any fruit which is or has been infested with San Jose Scale, or other scale insect pests, or the larvae of the Codling Moth, and

Importing, selling or having any fruit affected by San Jose or other scale, etc.

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Conclusive evidence that fruit has been infected.

the fact that any fruit bears the mark of any such scale insect, or is worm eaten by the larvae of the Codling Moth, shall be deemed conclusive evidence that the fruit is infected within the meaning of this section, and may

May be condemned and confiscated by whom.

be condemned and confiscated by any legal horticultural inspector; Provided, that nothing in this section shall be construed to prevent the growers of such infected fruit

May convert such fruit into by-products.

from manufacturing the same into a by-product, or selling and shipping the same to a by-product factory after having first obtained a permit so to do from a horticultural inspector.

Amending Sec. 1936, Revised Codes, 1907.

Section 2. That Section 1936, Revised Codes of Montana of 1907, as amended by Chapter 121, Laws of the Twelfth Legislative Assembly, be and the same is hereby amended so as to read as follows:

Engaging in the nursery business or soliciting orders for such stock without a license forbidden.

"Section 1936. It shall be unlawful for any person, firm or corporation to engage in, conduct or carry on the business of selling, dealing in, or importing into this State for sale or distribution, any nursery stock, or to act as agent, salesman, or solicitor for any nurseryman or dealer in nursery stock, or to solicit orders for the purchase of nursery stock, without first having obtained from the State Board of Horticulture and having in force a license to do so, and it shall be unlawful for any

Falsely representing one's self to be an agent, etc., of nurseryman.

person to falsely represent that he is an agent, salesman. solicitor, or representative of any nurseryman or dealer in nursery stock. No license shall be issued until the

License not to be issued until when.

applicant therefor shall have attested to the application for a license furnished upon request by the State Board of Horticulture, paid the fee, and furnished the bond, as in this Act required. The license fee shall be twenty-

Nurserymen and dealers to pay fee.

five dollars per annum for nurserymen and dealers in nursery stock, and all agents, salesmen, and solicitors for

Agents' certificates free.

licensed nurseries shall be granted salesmen's certificates free of charge. All licenses shall be in the name

Licenses shall be in name of whom and show what.

of the person, firm or corporation licensed, and shall show the purpose for which issued, the name and location of the nursery or place of business of the nurseryman or dealer licensed or represented by the agent, salesman, or solicitor. All applications for a license must be

Application for license.

in the name of the person, firm or corporation to be licensed, also it must show the nursery acreage represented by the applicant, and such other information as is desired by the State Board of Horticulture. All li-

Date of issue and expiration.

censes shall bear the date of issue and shall expire the first day of July next following the date of issue. Pro-

Licenses in force at date of Act.

vided, that all licenses in force at the time of the taking effect of this Act shall continue in force during the term for which they were issued, unless sooner revoked, and

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any holder of such license applying for a license under this Act prior to the first day of July next following the expiration of his former license, shall be required to pay therefor only the proportional part of the fee required for the annual license for the remaining portion of the year until the first day of July next following.

Nurserymen in applying for license must give bond.

Every nurseryman, or dealer in nursery stock, applying for a license under this Act shall make, execute, and file with the State Board of Horticulture a bond running to the State of Montana, in the sum of one thousand dollars, with surety, or sureties to be approved by the State Board of Horticulture, conditioned for the faithful compliance by the applicant with all of the provisions of this Act and the laws of the State of Montana relating to the sale, disposition, delivery, inspection and disinfection of nursery stock grown, dealt in, imported, sold, handled or delivered by him during the term of the license applied for and the term or terms of renewal of the same, and conditioned further that all nursery stock sold or delivered by him during said term shall be true to name, age, and variety as represented, and free from the diseases and pests required to be guarded against by the horticultural laws and regulations of the State of Montana.

Conditions.

Further conditions in bond.

When license may be renewed.

Every licensed nurseryman or dealer in nursery stock who shall have complied with the provisions of this Act shall be entitled, upon the expiration of his license or any renewal thereof, by the payment of the fee of twenty-five dollars on or before the date of the expiration of his license or any renewal thereof, to have his license renewed for the ensuing year ending July 1st, so long as the bond originally given in compliance with the provisions of this section shall remain in force.

When license may be refused or revoked.

A license may be refused at any time, or revoked when the person, firm or corporation applying therefor has been adjudged bankrupt, insolvent or guilty of fraud or deceit by any court of competent jurisdiction.

Effect of cancellation or revocation of bond.

The cancellation or revocation of, or the withdrawal of the sureties from any bond filed in accordance with the provisions of this Act shall **ipso facto** work a suspension of the license of the principal of said bond and the license of all agents, salesmen, and solicitors employed by and representing him, until such a time as such principal shall furnish a new bond to be approved by the State Board of Horticulture.

Power of State Horticulturist upon receiving verified complaint.

Upon complaint in writing, verified under oath by the complainant, being made to the State Board of Horticulture that the holder of any license in this Act as provided for has violated or failed to comply with the provisions of this Act, or the laws of the State of Montana

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relating to horticulture, the State Horticulturist, if in his judgment the complaint is justified, may revoke the license of the nurseryman complained of. From the decision of the State Horticulturist an appeal may be taken to the State Board of Horticulture, provided that said appeal is in writing setting forth clearly and sufficiently the issue in the case, and is accompanied by a cash bond, or its equivalent to defray all expenses of such appeal.

Appeal from decision of State Horticulturist therein.

Misrepresenting age, variety or class of nursery stock, or locality of its production.

It shall be unlawful for any person to falsely represent or to misrepresent the name, age, variety, or class of any nursery stock sold or offered for sale, or to falsely represent or state that any nursery stock offered for sale, sold, or delivered was grown in, or came from a certain nursery or locality when in fact such nursery stock was grown in or came from another location or nursery, or to deceive or defraud any person in the sale of any nursery stock substituting inferior or different varieties or ages from those ordered, or to wilfully or intentionally bring into this State, or to offer for sale or distribution within this State, or to ship, sell, or deliver upon any sale any nursery stock that is infected or infested with any disease or insect dangerous to the horticultural interests of the State, and in case of such misrepresentation, false representation, deceit, fraud or substitution, shall be subject to punishment as provided by the statute for misdemeanor, and shall be liable to the person, firm, or corporation damaged or injured thereby, the amount of all damage sustained to be recovered in a civil action in any court of competent jurisdiction, and any person, firm, or corporation suffering damage by reason of having purchased any nursery stock of a licensed nurseryman or dealer in nursery stock delivered within this State, or shipped from a point within or without this State of [for] delivery within this State, or by reason of the destruction of such infected or infested nursery stock by or under the direction of any horticultural inspector as in this Act provided, or by reason of receiving any nursery stock, which is not true to name, age, variety, or class as represented by the nurseryman, dealer, agent, salesman, or solicitor selling the same or as ordered, shall have recourse against the bond filed by the licensed nurseryman or dealer from whom such stock has been purchased, for all damages sustained, including damages in case of misrepresentation, deceit, fraud, or substitution, which damage may be recovered at the suit of the party injured against the nurseryman or dealer causing the damage and the sureties on such bond in any court of competent jurisdiction, provided no liability shall attach on such bond by reason of nursery stock being un-

Other deceptions.

Introducing or selling infected stock in State.

Penalty.

Civil liability.

Recourse against nurseryman's bond for damages.

Proviso.

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true to name, age, variety, or class, unless at least five per cent of any variety ordered shall prove untrue to name, age, variety, or class.

Nurserymen or their agents must give purchaser a duplicate copy of order.

It shall be the duty of all nurserymen or dealers in nursery stock, and all salesmen, solicitors and agents therefore to give to every person ordering any nursery stock a duplicate copy of such order which shall show.

What duplicate must show.

a. The name and location of the nursery where such stock is grown;

b. The name of the nurseryman from whom ordered and the name of the solicitor, salesman or agent taking such order;

c. The date of the order when delivery is to be made.

d. The number, name, age and price of such variety of tree or plant ordered.

Duty of purchaser to have stock from unlicensed nurseryman inspected.

In the event of the shipment into this State from any point without this State of any nursery stock by a person, firm or corporation not licensed to do business in this State as in this Act provided, it shall be the duty of the purchaser or person receiving such nursery stock to have the same inspected by a horticultural inspector in the same manner as is required upon the delivery of nursery stock sold and delivered by a licensed nurseryman or dealer in nursery stock within this State, and to pay an inspector's fee of ten per cent of the invoice price of such shipment, provided that the minimum fee for such inspection shall be fifty cents and the actual and necessary traveling expenses of the inspector making the inspection. And provided further, that no inspection fees shall be collected in excess of the regular inspection fees, where such stock is shipped to a person, firm or corporation, holding a Montana license, as provided in this Act.

Amount of inspection fee.

Minimum fee.

Fee when stock is shipped to a licensed nurseryman.

Licenses granted under this Act shall be for one year, unless revoked for any violation of this Act.

Life of license.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 4. This Act to take effect and be in full force from and after its passage and approval.

Approved March 8, 1915.

CHAPTER 100.

"An Act providing that any private corporation now organized and existing, or which may hereafter be organized under any of the laws of Montana, may increase or decrease the number of shares into which the capital stock of such private corporation is divided, and providing the manner of increasing or decreasing the number of shares into which its capital stock is divided."

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Be it enacted by the Legislative Assembly of the State of Montana:

Increasing and decreasing number of shares of capital stock of private corporations.

Section 1. The number of shares into which the capital stock of any private corporation now organized and existing, or which may hereafter be organized under any of the laws of Montana, relating to private corporations, is divided, may be increased or decreased by a two-thirds vote of all of the stock of such corporation issued and outstanding, represented at any special meeting of the stockholders of said corporation, called and held as hereinafter provided.

Vote of number of shares required.

Duty of directors to publish notice calling meeting.

Section 2. Whenever the board of directors of any private corporation, mentioned in the next preceding section, shall decide to call a special meeting of the stockholders for the purpose of determining whether or not the number of shares into which the capital stock of such corporation is divided, shall be either increased or decreased, it shall be the duty of such directors to publish a notice, signed by at least a majority of them, in a newspaper in the county in which such corporation shall have its principal place of business, if any shall be published therein, for at least four successive weeks, and to deposit, or cause to be deposited, a written or printed copy of such notice in the postoffice of the town or city in which such corporation shall have its principal place of business, addressed to each stockholder at his usual place of residence, as the same shall appear from the stock books of such corporation, postage prepaid, at least two weeks previous to the day for holding such meeting, which notice shall specify the object of the meeting, the time and place when and where such meeting shall be held, and the number of shares into which it shall be proposed to divide the capital stock of such corporation. If no newspaper is published in such county, it shall not be necessary to publish such notice. A vote of at least two-thirds of all the shares of stock of such corporation, issued and outstanding, and represented at the meeting, either in person or by proxy, shall be necessary to either increase or decrease the number of shares into which the capital stock of such corporation is divided.

Notice must be published, how long.
Notices by mail to stockholders.

Notice to contain, what.

When not necessary to publish notice.

Number of shares required to make change.

Proceedings at meeting where two-thirds of issued stock is present.

Section 3. If at the time and place specified in the notice provided for in the next preceding section, stockholders shall appear in person or by proxy, representing not less than two-thirds of all the shares of stock of such corporation issued and outstanding, they shall organize by choosing one of the directors of such corporation chairman of the meeting, or, if no director of such corporation be present, then by choosing a stockholder of such corporation chairman of the meeting, and also a suitable person for secretary, and shall proceed to a vote of those

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present in person or by proxy, and if, on canvassing the votes, it shall appear that a sufficient number of the shares of the capital stock of such corporation have been voted in favor of said increase or decrease of the number of shares into which the capital stock of such corporation is divided, a certificate of the proceedings, showing a compliance with the provisions of this Act, the number of shares into which the capital stock of such corporation is divided, and the number of shares to which the capital stock of such corporation is by such proceedings either increased or decreased, shall be made out, signed by the chairman of such meeting, and verified by the affidavit of said chairman, and be countersigned by the secretary of such meeting, and such certificate shall be acknowledged by the chairman as conveyances of real estate are acknowledged under the laws of the State of Montana, and filed in the office of the County Clerk of the county in which the principal place of business of such corporation is situated, and a copy thereof, certified by the County Clerk shall be filed with the Secretary of State, and when so filed and recorded, the number of shares into which the capital stock of such corporation is divided shall be increased or decreased, as the case may be, to the number specified, in such certificate.

Certificates to be made out if proposition carries.

Certificate shall be filed, where.

Certified copy with Secretary of State.

Section 4. If such increase or decrease of the number of shares be so authorized, as in this Act provided, and so certified and filed as in this Act provided, such corporation shall thereupon issue to each stockholder certificates for as many shares of the new stock as equal to par value the shares of the old stock held by him, upon surrender and cancellation of such old stock.

New stock certificates to be issued to shareholders.

Section 5. This Act does not authorize the increase or reduction of the amount of the capital stock of such corporation and shall not be construed to alter the existing law in relation to the increase or reduction of the amount of capital stock of any private corporation.

Act does not authorize the increasing or decreasing the amount of capital stock.

Section 6. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 8, 1915.

CHAPTER 101.

"An Act permitting foreign Mutual Fire Insurance Companies to transact business in this State by complying with the laws applicable to Mutual Fire Insurance Companies, when such companies are possessed of a surplus, or when they have certain insurance in force."

Be it enacted by the Legislative Assembly of the State of Montana:

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Foreign mutual fire insurance companies.

Section 1. Any corporation organized under the laws of any other state, district or territory of the United States, or of a foreign country, to transact the business of fire insurance on the mutual plan, in accordance with the law of the state, district, territory or country in which the corporation is, and shall be so organized, may be permitted to transact any business within this State which it is authorized to transact in the state where it is organized under upon complying with the law of this State applicable to it, when possessed of a surplus amounting to Two Hundred Thousand Dollars ($200,000.00) or when such corporation has in force Seven Million Dollars ($7,000,000.00) of insurance.

May be permitted to transact business within the State, when.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith, be and the same are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1915.

CHAPTER 102.

"An Act to transfer funds from the State Athletic Commission Fund and the State Bond Fund to the General Fund."

Be it enacted by the Legislative Assembly of the State of Montana:

Preamble.

Whereas, Chapter 197 of the Laws of the Thirteenth Legislative Assembly, relating to a State Athletic Commission, and regulating sparring and boxing, has been repealed, and there is now in the State Treasury a State Athletic Fund, amounting to Two Thousand Five Hundred Sixty-nine Dollars and Eighty-seven Cents ($2,569.87), being a surplus accruing to the State while said law was in operation; and,

Whereas, there is now in the State Treasury in the State Bond Fund, a surplus amounting to Ten Thousand Four Hundred Seventy-seven Dollars and Thirty-seven Cents ($10,477.37), accrued by virtue of taxes heretofore levied and collected for the purpose of redeeming certain bonds heretofore issued and redeemed by the State; and.

Whereas, all of the moneys due to the State by virtue of such levies have not yet been collected, Now, therefore.

Authorizing transfer of State Athletic Commission Fund to the General Fund.

Section 1. The State Treasurer is hereby directed to transfer from the State Athletic Commission Fund into the General Fund, the sum of Two Thousand Five Hundred Sixty-nine Dollars and Eighty-seven Cents ($2,569.87).

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Section 2. The State Treasurer is hereby directed to transfer from the State Bond Fund into the General Fund, the sum of Ten Thousand Four Hundred Seventy-seven Dollars and Thirty-seven Cents ($10,477.37). Authorizing the transfer of State Bond Fund to the General Fund.

Section 3. Whenever in the future additional surplus moneys are paid into the State Bond Fund, the State Treasurer is hereby directed to transfer such into the General Fund. Surplus money paid into State Bond Fund to be transferred to the General Fund.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1915.

CHAPTER 103.

"An Act to authorize and empower the State Land Board to invest the income derived from common school funds in interest bearing warrants upon the General Fund of the State."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The State Land Board is hereby authorized and empowered to invest the income derived from the common school fund in interest bearing warrants upon the General Fund of the State, Provided, such warrants are issued to be redeemed on or before the first day of February of the year succeeding their issue. State Land Board authorized to invest income of Common School Fund, how.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing Clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1915.

CHAPTER 104.

"An Act requiring all persons who operate Electric Hoisting Engines, and Air Hoisting Engines, when used in lowering or hoisting men, except in elevators in buildings, of over twenty-five (25) horse power, to obtain a license, and prescribing qualifications, fees, and regulations therefor, and providing penalties for the violation of any of the provisions of this Act."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. It shall be unlawful for any person to operate any electric hoisting engine, or any air hoisting engine over twenty-five (25) horse power, when either are Unlawful for any one to operate certain hoisting engines without first obtaining a license.

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used in lowering or hoisting men, except in operating elevators in buildings, without first obtaining a license therefor from the State Boiler Inspector, or one of his assistants, as herein provided.

Sec. 1657 of Revised Codes, 1907, to apply to what.

Except that in emergencies the provisions of Section 1657, of the Revised Codes, relating to employment of unlicensed engineers shall apply to the operation of the engines and machinery named herein.

Application for license and fee therefor.

Section 2. Application for such licenses shall be made to the State Boiler Inspector in the manner, and the same fee shall be charged therefor and for such license, as now required by law for obtaining a license to operate steam engines and steam boilers, and such license shall be given for a period of one year from the date of issuance thereof, and may be renewed in the same manner provided by law for the renewal of a license to operate steam engines or steam boilers, provided, that the State Boiler Inspector shall have the right to revoke any license issued under the provisions of this Act for any of the reasons for which he could revoke a license to operate steam engines and steam boilers.

Life of license, and renewals thereof.

Proviso.

License shall authorize operating what machinery.

Section 3. A license granted under the provisions of this Act shall entitle the holder thereof to operate any of the machinery named in Section 1 of this Act, and the license shall specify on its face such machinery, but no license issued hereunder shall authorize or qualify the person to whom issued to operate a steam boiler or steam engine. Any person holding a license as a first class engineer, authorizing him to operate steam engines and steam boilers shall be deemed qualified to operate any of the engines and machinery named in Section 1 of this Act without obtaining any license under the provisions thereof.

Persons holding first class engineers' licenses may operate hoisting machinery.

Two classes of licenses to be issued under Act.

Section 4. Licenses issued under this Act shall be divided into two classes, namely, First Class and Second Class. No person must be granted a first class license who has not taken and subscribed an oath that he has had at least three years' experience in the operation of at least one of the engines named in Section 1 of this Act, and whose knowledge of the construction and operation is such as to justify the belief that he is competent to take charge of and operate such machinery.

Qualifications for first class license.

Qualifications for second class license.

No person must be granted a second class license who has not taken and subscribed an oath that he has had at least two years' experience in the operation of at least one of the engines named in Sction 1 of this Act and whose knowledge of the construction and operation is such as to justify the belief that he is competent to take charge of and operate such machinery.

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Persons granted a first class license deemed to be qualified for what.

Section 5. Any person to whom is granted a first class license under the provisions of this Act shall be deemed qualified to operate any of the machinery or engines named in Section 1 of this Act, without regard to the horse power thereof. Any person to whom is granted a second class license under the provisions of this Act shall not be permitted to operate any of the machinery named in Section 1 thereof, of a greater capacity than one hundred (100) horse power.

Holder of second class license not to operate machinery over 100 horse power.

When rejected applicant may again apply for license.

Section 6. Any person who has regularly applied for a license under the provisions of this Act and has been rejected, may renew his application for such license within the time and in the manner prescribed in Section 1653, and Section 1654, of the Revised Codes of Montana.

Misdemeanor for any person without a license to operate such machinery or be permitted to.

Section 7. Every person who operates any of the engines and machinery named in Section 1 of this Act for which a license is required, without first obtaining a license as required by the provisions of this Act, and every owner, employer or manager of any such engines or machinery who knowingly permits any unlicensed person to operate the same, or any person who violates any of the provisions of this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than Five Hundred ($500.00) Dollars, or by imprisonment in the County Jail not more than six months, or by both such fine and imprisonment.

Penalty.

Repealing clause.

Section 8. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 9. This Act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1915.

CHAPTER 105.

"An Act to authorize the State of Montana to become indebted in the sum of One Hundred Thousand Dollars ($100,000.00), for the issuance of bonds in the name of the State for buildings and improvements at the Montana State Tuberculosis Sanitarium, located at Galen, Montana, and the State Insane Asylum, located at Warm Springs, Montana, and prescribing the duties and powers of the State Board of Examiners in regard thereto."

Be it enacted by the Legislative Assembly of the State of Montana:

Bond issue.

Section 1. The State Board of Examiners of the State of Montana is hereby authorized and directed to issue bonds in the name of the State of Montana, in the amount of One Hundred Thousand Dollars ($100,000.00), the

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Proceeds to be used for what purpose.

bonds or the money derived from said bonds, to be used in payment for such necessary buildings and improvements as the State Board of Examiners may deem necessary for the betterment of the Montana State Tuberculosis Sanitarium, located at Galen, Montana, and the State Insane Asylum located at Warm Springs, Montana. Provided, however, that the proceeds of said bonds shall be set apart as follows: For buildings and improvements at State Insane Asylum, Eighty Thousand Dollars; for buildings and improvements at the Tuberculosis Sanitarium, Twenty Thousand Dollars.

Denominations of bonds.

Section 2. The said bonds, issuance of which is hereby provided for, shall be issued in denominations of one thousand dollars ($1000) each, and shall bear date July 1st, 1915, and become due in five years from the date of issuance, and be redeemable and payable at the option of the State, three years from their date, or at any interest paying period, and they shall bear interest at the rate of four per cent (4%) per annum, payable semi-annually, on the first days of January and July of each year, at the office of the State Treasurer of the State of Montana.

Interest, payable when.

Section 3. Each bond issued under the provisions of this Act shall contain a condition substantially as follows:

Bonds to contain what condition.

"This bond is one of a series of State bonds of the denomination of one thousand dollars ($1000), each of like tenor, and dated and numbered from one to one hundred inclusive, and aggregating the sum of one hundred thousand dollars ($100,000). The right is hereby reserved to redeem this bond at any regular interest paying period, as stated herein, by payment of the principal and interest in full to the date of redemption. Provided that not less than ten days' notice shall be given by the State Treasurer in writing, or by publication of such intention on the part of the State to make redemption."

Redemption, notice.

The form of notice and method of giving same, shall be in accordance with the directions of the State Board of Examiners.

Assessment, rate of levy.

Section 4. There shall be levied annually for the period of five years, or for such time as may be necessary, not to exceed one-twentieth (1-20th) of a mill on the dollar, on all taxable property in this State, which when collected by the county treasurer shall be accounted for and paid over to the State Treasurer to be by him held in a separate fund, to be designated as "The State Insane Asylum and Tuberculosis Sanitarium Improvement Bond fund," and same shall be used exclusively for the payment of interest on such bonds, and for the redemption thereof.

Duty of State Treasurer.

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Section 5. The bonds shall be in such form as shall be prescribed by the Attorney General, and approved by the State Board of Examiners, and shall be signed by the members of said Board, and issued under the great seal of the State of Montana, and shall be registered in the office of the State Treasurer. The bonds shall have interest coupons attached covering the interest due semi-annually, and shall have the lithographic facsimile signature of the members of the State Board of Examiners affixed thereto. Form of bonds. Registry of bonds. Interest coupons.

Section 6. The bonds herein authorized and provided for shall be disposed of by the State Board of Examiners in such manner as seems for the best interests of the State in carrying out the terms and provisions of this Act, and none of the said bonds shall be sold or disposed of for less than par value. Manner of sale of bonds.

Section 7. All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

Section 8. This Act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1915.

CHAPTER 106.

"An Act to authorize the State of Montana to become indebted in excess of the constitutional limit, and to provide for the issuance of bonds in the name of the State for the establishment of twine factory at the State Prison, erection of buildings, purchase of equipment and for raw material to be used in said factory."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the State Board of Examiners of the State of Montana is hereby authorized and empowered to issue bonds in the name of the State of Montana to an amount not exceeding Two Hundred and Sixty-five Thousand ($265,000.00) Dollars in excess of the constitutional limitation of indebtedness of One Hundred Thousand ($100,000.00) Dollars; provided, however, that bonds heretofore issued and now outstanding shall not be computed so as to in any manner interfere with the bond issue under the terms and provisions of this Act to the full amount of Two Hundred and Sixty-five Thousand ($265,000.00) Dollars. That the money derived from the sale of said bonds is to be used for the erection of buildings at the State Penitentiary, to be used for the State Prison Twine Factory at a cost not exceeding Thirty Thousand ($30,000.00) Dollars; the equipment of said factory at a cost not to exceed Thirty-five Thou- Limit of bond issue. Proceeds to be used for what purpose.

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Cost of equipment and raw material.

sand ($35,000.00) Dollars and for the purchase of raw material for use in the said factory not exceeding Two Hundred Thousand ($200,000.00) Dollars, and for no other use.

Denominations of bonds.

Section 2. That the bonds provided for in this Act shall be issued in denominations of One Thousand ($1,000.00) Dollars each, and shall become due in ten years from the date of issuance, and be redeemable and payable, at the option of the State, five (5) years from their date, or at any interest paying period, and they shall bear interest at the rate of four per cent (4%) per annum, payable semi-annually on the first days of June and December of each year at office of the State Treasurer of the State of Montana.

Redemption, rate and payment of interest.

Bonds to contain what condition.

Section 3. That each bond issued under the provisions of this Act shall contain a condition substantially as follows:

"This bond is one of a series of state bonds of the denomination of One Thousand ($1,000.00) Dollars, each of like tenor and date, numbered from One (1) to Two Hundred and Sixty-five (265) inclusive, and aggregating the sum of Two Hundred and Sixty-five Thousand ($265,000.00) Dollars. The right is hereby reserved to redeem this bond at any regular interest paying period as stated herein by payment of the principal and interest in full to the date of redemption; provided, that not less than ten (10) days' notice shall be given by the State Treasurer in writing, or by publication of such intention on the part of the State to make redemption."

Notice of redemption.

Form of Notice.

The form of notice and method of giving same shall be in accordance with the direction of the State Board of Examiners.

Assessment, rate of levy.

Section 4. That there shall be levied annually one-eighth (1-8) of a mill on the dollar on all taxable property in this State, which when collected by the County Treasurer, shall be accounted for and paid over to the State Treasurer to be by the State Treasurer held in a separate fund designated as the "State Prison Twine Factory Bond Fund" and said fund shall be used exclusively for the payment of interest on such bonds and for the redemption thereof.

Fund to be used for what purpose.

Form of bonds.

Section 5. That the bonds shall be in such form as shall be prescribed by the Attorney General and auproved by the State Board of Examiners, and shall be signed by the members of said board and issued under the Great Seal of the State of Montana, and shall be registered in the office of the State Treasurer. Said bonds shall have interest coupons attached covering the interest due semi-annually, and shall have the lithographed

Registry of bonds.

Interest coupons.

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fac simile signature of the members of the State Board of Examiners affixed thereto.

Sale of bonds.

Section 6. That the bonds herein authorized and provided for shall be disposed of by the State Board of Examiners in such manner as seems for the best interests of the State in carrying out the terms and provisions of this Act and none of said bonds shall be sold for less than its face value.

Election, form of ballots.

Section 7. That each County Clerk in this State, at the next general election, shall have separate ballots printed and furnished to each precinct in his county in the same manner as regular ballots, to be used by the electors to vote upon the question herein submitted to them for approval. Said separate ballots shall have printed thereon the following:

"For the law authorizing a State Bond issue of Two Hundred and Sixty-five Thousand Dollars for twine factory."

"Against the law authorizing a State Bond issue of Two Hundred and Sixty-five Thousand Dollars twine factory."

Manner of voting.

The elector shall vote said ballot by making an (X) in the square in front of the proposition for which he desires to vote.

Section 8. This Act shall be in full force and effect on and after its passage and approval.

Approved March 8, 1915.

CHAPTER 107.

"An Act to amend an Act of the Legislative Assembly of the State of Montana, concerning Fish and Game, approved March 13th, 1913, to amend Section 1978 of the Revised Codes of Montana, and giving control of Lakes and Ponds on State Land to the State Game and Fish Commission."

Be it enacted by the Legislative Assembly of the State of Montana:

"Game Fish," definition.

Section 1. That Section one of the Act approved March 13th, 1913, be amended so as to read as follows:

"Section 1. That whenever the term 'game fish' is used in this Act it shall be held and construed to mean the following named varieties of fish to-wit:

Mountain or Cut Throat Trout (Salme Clarkii).
Eastern Brook Trout (Salvilinus Fontinalis).
Grayling (Thymallus).
Rainbow Trout (Salmo Irrodius).
Rocky Mountain Whitefish (Correyonus Williamsoni).

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Steelhead Trout (Salmo Rivularis).

Dolly Varden Trout or Char or Bull Trout (Salvelinus Malma).

Section 2. That Section four (4) of the Act approved March 13th, 1913, be amended to read as follows:

Owning private ponds or lakes.

"Section 4. That any person who has or owns a lake or pond, or who owns or controls the land entirely surrounding such lake or pond, may take fish for spawning purposes therefrom to be used in stocking same, and any person who has heretofore, or who shall hereafter cause the said lake or pond to be stocked from year to year and every year for not less than three years with not less than two thousand fry for every acre of the superficial area of such lake or pond, shall have the right and privilege, under the terms and restrictions of law to take from said lake or pond in any manner, except by the use of poisons or explosives the fish contained therein, and to sell and dispose of the same as well as the eggs and fry so taken, PROVIDED, HOWEVER, that any such owner or holder of a lake or pond shall sell or offer to sell at the going market price, to the State of Montana, any eggs or fry, over and above the amount required to restock such lake or pond to the extent required by this Section, AND PROVIDED, that nothing herein contained shall be construed as forbidding the general public from lawfully fishing in, and taking the trout caught from said pond, except that when the land entirely surrounding said pond is owned in fee by the person stocking same that the law with reference to trespass upon land shall and may be applicable thereto, PROVIDED, FURTHER, that such owner shall procure a license as herein provided and shall furnish a good and sufficient bond to the State of Montana, in the sum of Two Hundred Dollars ($200.00) conditioned to the effect that he will not sell fish caught in any of the public waters of this State, and also conditioned to the effect that such owner or holder will report to the State Game Warden the quantity of fish, fish eggs and spawn taken from said lake or pond and sold from and planted in said lake or pond during any calendar year. Said report to be made under oath annually in the month of January of each year.

Rights and privileges of private owner.

Owner to sell fry to State.

Public may fish in private pond, when, when not.

Owner to procure license and furnish bond.

Owner must make reports.

It shall be the duty of the State Game Warden upon application made, and when satisfied that the person applying therefor is entitled thereto to issue a license in such form as may be adopted by him to any person so entitled under the provisions hereof upon the payment of the sum of Five Dollars ($5.00), the said license to be renewed annually, upon the payment of a like fee, so long as the person applying therefor shall continue to

License to private owner, renewal, fee.

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stock said lake or pond as herein provided. Any license issued hereunder may be revoked by the State Game Warden at any time should the person to whom the same has been issued be convicted of a violation of the laws of Montana, with reference to the protection of fish and game.

Revocation of license.

Section 3. That Section five of the Act approved March 13, 1913, be amended to read as follows:

Limit of catch by one person per day.

"Section 5. It shall hereafter be unlawful for any one person to catch from the public waters of this State more than twenty-five (25) pounds of any of the varieties of fish designated as game fish, (except Dolly Varden Trout) in any one day, (said weight to be computed after the cleaning of said fish but with the head reckoned in the weight), or more than ten of any such game fish which are less than six inches in length in any one day. It shall be lawful to catch fifty (50) pounds, and no more, of the Dolly Varden variety of game fish in any one day, the weight of the catch to be computed as hereinabove mentioned. It is hereby declared to be the intention of this Act to provide that twenty-five (25) pounds of all or any game fish over six inches in length, and ten fish less than six (6) inches in length shall constitute the limit for a day's fishing except in the case of Dolly Varden Trout, and that in this variety of fish Fifty (50) pounds thereof shall constitute the limit of a day's fishing, and that when the day's catch shall consist of both Dolly Varden Trout and other varieties of game fish that Twenty-five (25) pounds shall then and in that event constitute the limit for a day's catch.

Limit of catch of Dolly Varden variety.

Limit of pounds of fish for day's fishing.

It shall be unlawful for any one person to be in possession of more than One Hundred (100) pounds of Dolly Varden Trout, or more than Fifty (50) pounds of any other kind of game fish at any one time. Any person violating the provisions of this Section upon conviction thereof shall be fined in any sum not less than Twenty Dollars ($20.00) nor more than One Hundred Dollars ($100.00), or by imprisonment in the County Jail not less than ten, nor more than thirty (30) days, or by both such fine and imprisonment."

Limit of pounds of fish person may have in possession.

Penalties for violation of Act.

Section 4. That Section Twenty-nine (29) of the Act approved March 13th, 1913, be amended to read as follows:

"Section 29. The State Game and Fish Warden or the Superintendent of State Hatcheries is hereby empowered and directed to establish, on the shores of lakes and the banks of streams, at such necessary and suitable places as may be designated by the Superintendent of the State Hatcheries, stations for the taking of the eggs of all game

Establishment of stations for taking fish eggs, where.

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fish for the use of the State of Montana. In the order of establishing such stations, it shall be the duty of the State Game Warden to designate in the order the approximate boundaries of the station so established, nor more than one mile in length along the banks of any stream, and not more than one mile along the shores of any lake and shall post notices in conspicuous places on or along said station, warning all persons not to fish in the designated territory for a length of time to be designated within the months hereinafter stated.

Boundaries of stations, duty. of game warden.

Warning to fishermen.

Permits for taking of spawn.

The State Game Warden shall also have authority to issue permits limited in duration to Sixty (60) days for the taking of eggs or spawn from fish in any of the public waters of the State whenever such eggs or spawn are so taken for sale to the State of Montana, but it shall be unlawful for any person having or procuring such a permit to sell or dispose of any such eggs or spawn to any person except the State of Montana acting through the Superintendent of Hatcheries, or the State Game Warden.

Sale of eggs or spawn prohibited, exception.

Violation of section a misdemeanor.

Any person found fishing within the limits of such egg-taking station, shall be deemed guilty of a misdemeanor, and may be immediately arrested by person in charge of the station, or by any citizen, with or without a warrant, and immediately taken before a magistrate for trial and punishment; and such person, upon conviction thereof, shall be fined in any sum not less than Twenty-five Dollars, ($25.00) nor more than One Hundred Dollars ($100.00) or by imprisonment in the County Jail not less than ten (10) days, nor more than Twenty (20) days, or by both such fine and imprisonment, provided, however, that the station for the taking of eggs of Eastern Brook Trout shall only be established or permits issued during the months of October, November, and December of each year, and stations for the taking of eggs of Grayling, Mountain, Rainbow or Steelhead Trout shall only be established during the months of March, April, May and June of each year.

Arrest and procedure.

Penalties.

Months during which stations may be established and permits issued.

Control of lakes or ponds on State lands in Game and Fish Commission.

Section 5. That from and after the passage of this Act, the State Game and Fish Commission is hereby given the right and authority to control the waters of any lake or pond which may lie wholly within the limits of land owned by the State of Montana, so far as the use of said lake or pond for the breeding and propagation of game fish is concerned. Before such right to the control of any such lake or pond shall inure to the State Game and Fish Commission, it shall be necessary for the Chairman of the said Commission to notify the State Land Agent that any such lake or pond is wanted for the purpose nerein mentioned giving a description of the said land by

Notice to State Land Agent.

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legal subdivision when surveyed or a sufficient general description when not so surveyed, whereupon it shall be the duty of the State Land Agent to make such entry upon his books and maps as may serve as notice to any leasor or purchaser of the right claimed by the State in any such lake or pond, and said State Land Agent shall notify any leasor or purchaser or applicant to lease or purchase of the fact that a right to the use of such lake or pond is so claimed, provided, however, that no such right as is hereby given shall continue for more than one year after such land is leased or sold by the State, and provided, further, that should it be found that the right to the control of any such lake or pond theretofore granted lessens the value of said land, or prevents the ready lease or sale thereof, that then and in that event the rights hereby granted to the State Fish Commission may be terminated upon giving sixty (60) days' notice of such termination to the Chairman of the State Game and Fish Commission."

Duty of State Land Agent.

Lease or sale of land subject to right of Game and Fish Commission.

Limitation on and termination of control by Fish and Game Commission.

Notice of termination.

Section 6. That Section 1978 of the Revised Codes of Montana of 1907, be amended to read as follows:

"Section 1978. All persons who are allowed by law to sell or issue hunting and fishing licenses, except the State Game Warden or his salaried deputies, shall be allowed to collect and to receive and retain as his compensation for issuing the said license, the sum of ten per cent of the amount paid for said license in addition to the sum provided by law for such license, and the said sum of ten per cent shall be retained by such seller of such license and shall be held to be payment in full for any and all services rendered by said person in so issuing said license. Any and all persons who may be empowered to sell and issue hunting or fishing license shall be personally liable to the State of Montana, for any amount of money collected or received for the sale of such license at the face amount thereof, and action may be commenced and prosecuted in the name of the State of Montana to recover same, or at the discretion of the State Game Warden such person may be prosecuted for embezzlement and punished as provided by law.

Compensation for issuing hunting and fishing licenses.

Collector of licenses personally liable to State.

Prosecution for embezzlement.

Section 7. All Acts and parts of Acts in conflict herewith, are hereby repealed.

Repealing clause.

Section 8. This Act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1915.

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CHAPTER 108.

"An Act making unlawful the use of silencers or mufflers on firearms when hunting and providing a penalty for the violation thereof."

Be it enacted by the Legislative Assembly of the State of Montana:

Use of silencers or mufflers on firearms prohibited.

Section 1. It shall be unlawful for any person to take into the fields or forests, or to have in their possession, while out for the purpose of hunting any wild animals or birds, any device or mechanism, designed to silence or muffle, or minimize the report of any firearm, whether such device or mechanism be separated from or attached to any firearm.

Penalties for violation of Act.

Section 2. Any person violating the provisions of this Act shall upon conviction be subject to a fine of not less than Fifty ($50.00) Dollars or more than Three Hundred ($300.00) Dollars or by imprisonment in the County Jail not less than Twenty (20) days nor more than Ninety (90) days or by both such fine and imprisonment.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1915.

CHAPTER 109.

"An Act to amend Section 8796 of the Revised Codes of Montana, of 1907, relating to the use of explosives for the purpose of catching fish and further making unlawful the use of poisons and other deleterious substances and providing a penalty for the violation thereof."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 8796 of the Revised Codes of Montana, be and the same is hereby amended to read as follows:

Dynamiting and poisoning fish a felony.

Section 8796. If any person or persons shall use any giant powder or other explosive compounds, or any corrosive or narcotic poison, or other deleterious substance for the purpose of catching, stunning or killing fish, he shall be deemed guilty of a felony and upon conviction thereof shall be punished by a fine of not less than Two Hundred ($200.00) Dollars nor more than Five Hundred ($500.00) Dollars, or by imprisonment in the State Prison not less than one year, nor more than Three years, or both such fine and imprisonment.

Penalties.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1915.

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CHAPTER 110.

"An Act to provide a method of voting at General and Primary Elections by Electors absent, or expecting to be absent, on the day of any such election from the County in which they are electors, and making regulations regarding such voting."

Be it enacted by the Legislative Assembly of the State of Montana:

Elector absent from place of residence may vote, how.

Section 1. Any qualified elector of this State, having complied with the laws in regard to registration, who is absent from the county of which he is an elector on the day of holding any general election or primary election for nomination of candidates for such general election, may vote at any such election, as hereinafter provided.

Application to county clerk for official ballot, to be made when.

Section 2. At any time within thirty days next preceding such election any voter expecting to be absent on the day of election from the county in which his voting precinct is situated, may make application to the County Clerk of such county for an official ballot or official ballots to be voted at such election, as an absent voter's ballot or ballots.

Section 3. Application for such ballots shall be made on a blank to be furnished by the county clerk of the county of which the applicant is an elector, and shall be substantially the following form:

Form of application

I, ..., a duly qualified elector of the ..... precinct, in the county of ....., and State of Montana, and to the best of my knowledge and belief entitled to vote in such precinct at the next election, expecting to be absent from the said county on the day for holding such election, hereby make application for an official ballot to be voted by me at such election.

(Signed) .....

Postoffice address to which ballot is to be mailed.....

.....

Section 4. There shall also be printed on said application an affidavit substantially in the following form:

Form of affidavit of elector.

State of Montana, }
County of....., } ss.

..... and .....

being severally duly sworn, each for himself on his oath says that he is a resident and registered elector of the precinct mentioned in the foregoing application and that he knows the person whose signature is appended to the said application; that the said person is the identical

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person named in said application and resides in the said precinct.

.....

.....

Subscribed and sworn to before me this..... day of....., 19....., A. D.

.....

Application incomplete without affidavit.

This affidavit must be subscribed by the witnesses and sworn to before some officer authorized to administer oaths, and the application shall not be deemed complete without this affidavit.

Elector to pay fee to county clerk.

The voter making such application shall pay or transmit therewith to the county clerk the sum of thirty cents which shall be treated as official receipts of the office.

Mailing and delivery of application, duty of clerk.

Section 5. Such application blank shall, upon request therefor, be sent by such county clerk to any elector of the county by mail, and shall be delivered to any elector upon application made personally at the office of such county clerk; provided, however, that no elector shall be entitled to receive such a ballot on election day, nor unless his application is made to or received by the county clerk before the delivery of the official ballots to the judge of election.

Clerk need not deliver ballot, when.

Official ballot or ballots to be sent by clerk, procedure.

Section 6. Upon receipt of such application, properly filled out and duly signed, or as soon thereafter as the official ballot for the precinct in which the applicant resides has been printed, the said county clerk shall send to such elector by mail, postage prepaid, one official ballot, or if there be more than one ballot to be voted by an elector of such precinct, one of each kind, and shall enclose with such ballot or ballots an envelope, to be furnished by such county clerk, which envelope shall bear upon the front thereof the name, official title and post office address of such county clerk, and upon the other side a printed affidavit in substantially the following form:

Return envelope, form of.

State of Montana, }
County of....., } ss.

Form of affidavit on return envelope.

I, ..., do solemnly swear that I am a resident of the .....precinct, (and if he be a resident of a city or town, add: "residing at..... ....., in the town or city of.....,") county of ....., and State of Montana, and entitled to vote in such precinct at the next election; that I shall expect to be absent from the said county of my residence on the day of holding such election and that I will have no opportunity to vote in person on that day.

.....

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Subscribed and sworn to before me this..... day of ....., 19.....; and I hereby certify that the affiant exhibited to me the enclosed ballot or ballots for inspection before marking, and that the same was (or were) then unmarked, and that he then, in my presence, and in the presence of no other person, and in such manner that I could not see his vote, marked said ballot (or ballots) and enclosed and sealed the same in this envelope. That the affiant was not solicited or advised by me to vote for or against any candidate or measure.

Form of certificate attached to affidavit.

.....

.....

Section 7. Such voter shall make and subscribe the said affidavit before an officer authorized by law to administer oaths and who has an official seal, and may do so at any place in the State of Montana, and such voter shall thereupon, in the presence of such officer and of no other person, mark such ballot or ballots, but in such manner that such officer cannot see the vote, and such ballot or ballots shall thereupon, in the presence of such officer, be folded by such voter so that each ballot will be separate, and so as to conceal the vote, and shall be, in the presence of such officer, placed in such envelope without detaching any stub or stubs, and the said envelope securely sealed. Said officer shall thereupon append his signature and official title and affix his seal at the end of said jurat and certificate. Said envelope shall be mailed by such absent voter, postage prepaid, or delivered to the County Clerk.

Affidavit of elector to be made before whom.

Manner of marking ballot.

Ballot to be folded by elector, how.

Duty of officer administering oath.

Mailing of marked ballot.

Section 8. Upon receipt of such envelope, such county clerk shall forthwith enclose the same, unopened, together with the written application of such absent voter, in a larger envelope, which shall be securely sealed and endorsed with the name of the proper voting precinct, the name and official title of such clerk, and the words, "This envelope contains an absent voter ballot and must be opened only on election day at the polls while the same are open," and such clerk shall safely keep the same in his office until the same is delivered or mailed by him as provided in the next section.

Duty of county clerk upon receipt of marked ballot.

Section 9. In case such envelope is received by such clerk prior to the delivery of the official ballots to a judge of election of the precinct in which such absent voter resides, said larger envelope, containing the said voter's envelope, and his said application, as above provided, shall be delivered to the judge of election of such precinct, to whom the official ballots of the precinct shall be delivered, and at the same time. In case the of-

Delivery of marked ballot to election judges, when.

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ficial ballots for such precinct shall have been delivered to the judge of election prior to the time of the receipt by the county clerk of such absent voter's envelope, such clerk shall, immediately after enclosing such voter's envelope and his application in a larger envelope, and after endorsing the latter as provided in the foregoing section, address and mail such larger envelope, postage prepaid, to the said judge of election of said precinct, as hereinafter further provided.

Clerk must mail envelope containing marked ballot to election judges.

Official ballots to be delivered to absent elector.

Section 10. The ballot or ballots to be delivered or marked by such absent voter shall be one of the regular official ballots to be used at such election and of each kind of such official ballots, if there be more than one kind to be voted, beginning with ballot number one and following consecutively, according to the number of applications for such absent voter's ballots. The county clerk shall keep a record of all ballots so delivered for the purpose of absent voting, as well as of ballots, if any, marked before him as hereinafter provided, and shall make and deliver to the judge of election, to whom the ballots for the precinct are delivered, and at the time of the delivery of such ballots, a certificate stating the numbers of the ballots delivered or mailed to absent voters, as well as those marked before him, if any, and the names of the voters to whom such ballots shall be delivered or mailed, or by whom they shall have been marked, if marked before him.

County clerk to keep record of ballots furnished to absent electors.

Clerk to deliver certificate to election judge, contents of certificate.

Poll lists, duty of election judges.

Section 11. The judges of election, at the opening of the polls, shall note on the poll list, when one is required by law to be kept, opposite the numbers corresponding to the numbers of the ballots issued to absent voters, as shown by the certificate of the County Clerk, the fact that such ballots were issued to absent voters and shall reserve said numbers for the absent voters. The notation may be made by writing the words "Absent Voters" opposite such numbers. The judges shall not allow any names to be inserted in the poll list on the lines corresponding to said numbers, except the name of the elector entitled to each particular number according to the certificate of the county clerk and the number of his ballot. Any so rejected shall be placed together with the voter's application and the absent voter's envelope provided for the purpose by the Clerk and Recorder which shall be sealed and endorsed with the words "rejected absent voter ballots" numbered ..... and shall put thereon the number of the ballots given to absent voters according to the County Clerk's certificate. There shall be a separate enclosing envelope for the ballot or ballots of each absent voter whose ballot or ballots may have

Numbering ballots.

Rejection of absent elector's ballot, procedure.

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been rejected and such envelopes shall be placed in an envelope together with the other ballots and shall not be opened without order of a court of competent jurisdiction.

Rejected ballows, how disposed of.

Section 12. Any qualified elector who is present in his county after the official ballots of such county have been printed, and who has reason to believe that he will be absent from such county on election day, as provided in Section two, may vote before he leaves his county, in like manner as an absent voter, before the county clerk or some officer authorized to administer oaths and having an official seal; and the provisions of this Act shall be deemed to apply to such voting. If the ballot be marked before the County Clerk, it shall be his duty to deal with it in the same manner as if it had come by mail.

Manner of voting before election day by elector expecting to be absent.

Section 13. At any time between the opening and closing of the polls on such election day, the judges of election of such precinct shall first open the outer envelope only, and compare the signature of such voter to such application with the signature to such affidavit.

Time for opening of envelope containing ballot, by election judges.

In case the judges find the affidavit is sufficient and that the signatures correspond, and that the applicant is then a duly qualified elector of such precinct and has not voted at such election, they shall open the absent voter envelope, in such manner as not to destroy the affidavit thereon, and take out the ballot or ballots therein contained, and without unfolding the same, or permitting the same to be opened or examined, shall ascertain whether the stub or stubs is or are still attached to the ballot or ballots and whether the number thereon corresponds to the number in the County's Clerk's certificate. If so, they shall endorse the same in like manner that other ballots are endorsed, shall detach the stub, as in other cases, and deposit the ballot or ballots in the proper ballot box or boxes, and make in their election list and books the proper entries to show such elector to have voted. In case such affidavit is found to be insufficient, or that the said signatures do not correspond, or that such applicant is not then a duly qualified elector of such precinct, such vote shall not be allowed, but without opening the absent voter envelope, the judges of such election shall mark across the face thereof, "rejected as defective," or "rejected as not an elector," as the case may be. The absent voter envelope, when such absent vote is voted, and the absent voter envelope with its contents, unopened, when such absent vote is rejected, shall be deposited in the ballot box containing the general or party ballots, as the case may be, retained and preserved

Manner of opening envelopes.

Deposit of ballot in ballot box, when.

Defective affidavit, applicant not qualified elector, duty of judges.

Voter's envelope, how to be disposed of.

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Detached stub, wrong numbering, ballot to be rejected.

in the manner by law provided for the retention and preservation of official ballots voted at such election. If upon opening the absent voter's envelope, it be found that the stub of any ballot has been detached or that the number thereon does not correspond to the number in the County Clerk's certificate of the number issued to such absent voter, the ballot shall be rejected and it shall then and there, and without looking at the face thereof be marked on the back "rejected on the ground of..... ....." filling the blank with the statement of the reason of the rejection; which statement shall be dated and signed by the majority of the judges. The ballot or ballots so rejected together with the absent voter's envelope bearing the application and the said application shall all be enclosed in an envelope which shall be then and there securely sealed and on such envelope the judges shall write or cause to be written (if not already printed thereon) the words "rejected ballot of absent voter" (writing in the name of the elector). The rejected ballot or ballots is or are ....." The judges shall designate the rejected ballot as "General ballot" if it be a ballot for candidates that be rejected. If the rejected ballot be a one put on a question or proposition submitted to the vote of the electors, the judges shall designate such ballot as ballot question No..... in the certificate on the envelope. There shall be a separate enclosing envelope for the ballot or ballots of each absent voter whose ballot or ballots may have been rejected and such enclosing envelope shall be placed in the envelope in which the other ballots voted or required to be placed and shall not be opened without an order of a court of competent jurisdiction. The county clerk shall provide and have delivered to the judge of election, suitable envelopes for enclosing rejected absent voter's ballots.

Duty of judges in case of defective ballot.

Nature of rejected ballot to be written on back.

Rejected ballots to be enclosed in special envelopes furnished by county clerk.

Transmission of absent voter's ballot by special delivery, duty of county clerk.

Section 14. Whenever the county clerk shall mail the envelope containing an absent voter's envelope and ballots, as provided in this Act, to a judge of election, he shall place thereon the proper postage and the proper stamp or stamps and the proper markings to secure the transmission and delivery thereof, as a special delivery letter, in accordance with the postal laws of the United States and the regulations of the United States postoffice.

Elector may vote in person after marking absent voter's ballot if ballot not deposited.

Section 15. Any qualified elector who has marked his ballot as hereinbefore provided, who shall be in his precinct on election day, shall be permitted to vote in person, provided his said ballot has not already been deposited in the ballot box.

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Procedure if elector is present at voting place after marking absent voter's ballot.

Section 16. In case any elector who shall have marked his ballot as an absent voter, as in this Act provided, shall appear at the voting place of his precinct on election day, before his ballot or ballots shall have been deposited in the ballot box, his envelope containing his ballot shall, if he so desires, be opened in his presence, and the ballot or ballots found therein shall be deposited in the ballot box, as hereinbefore provided. If such elector shall ask for a new ballot or ballots with which to vote, he shall be entitled to the same, but in such case his absent-voter-envelope shall not be opened, and the judges shall mark, or cause to be marked, across the face thereof, "unopened because voter appeared and voted in person," and then deposit in the said envelope, unopened, in the ballot box. If the envelope containing the absent-voter-ballot shall have been marked "rejected as defective," and deposited in the ballot box, such elector so appearing shall have the same right to vote as if he had not attempted to vote as an absent voter. If voting machines are there used, he shall vote by machine as other voters.

Elector may vote in person if absent voter's ballot marked "rejected."

Use of voting machines.

After deposit of unopened envelope, same to be opened only when.

Section 17. If the aforesaid envelope, containing an absent-voter-ballot shall have been deposited, unopened, in the ballot box, the said envelope shall not be opened, without an order of a court of competent jurisdiction.

False affidavit constitutes perjury.

Section 18. If any person shall wilfully swear falsely to any affidavit in this Act provided for, he shall, upon conviction thereof, be deemed guilty of perjury and shall be punished as in such cases by law provided. If the county clerk or any election officer shall refuse or neglect to perform any of the duties prescribed by this Act, or shall violate any of the provisions thereof, or if any officer taking the affidavit provided for in Section five shall make any false statement in his certificate thereto attached, he shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding five hundred dollars or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

Neglect of official duties a misdemeanor.

Penalties.

Procedure where voting machines are used.

Section 19. In and for precincts where voting machines are to be used, the County Clerk shall cause to be printed and shall provide ballots in the regular form of printed ballots and sufficient in number for possible absent voters, and also poll books and ballot boxes such as lists required for the precincts in which printed ballots are used. Absent voters' ballots received in such precincts shall be cast as in this Act provided and all provisions of this Act and of the Election Laws shall apply to the casting, canvassing, counting and returning of such ballots and votes except as herein otherwise provided. In making the canvass the votes cast by absent

Canvass of votes, duty of judges.

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voters shall be added by the judges of election to the votes cast on the voting machines and the results determined and reported accordingly.

Duty of elector if present in county on election day.

Section 20. In case any elector who shall have taken advantage of the provisions of this Act, and marked his ballot as an absent-voter, as in this Act provided, shall not leave his county, or shall return thereto on or before election day, and in time to allow him to go to the polls, to-wit, to the voting place in his precinct and to be admitted therein before the close of the polls, it shall be his duty so to go to the said voting place and to present himself to the judges of election at said voting place, and if he shall wilfully neglect so to do he shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one hundred dollars or by imprisonment not more than thirty days in the county jail, or by both such fine and imprisonment. If such an elector so appears, the judges of election shall note in the poll books and lists the fact of his appearance, as well as whether or not he voted in person.

Wilful neglect of duty a misdemeanor.

Penalties.

Elector present at polling place, duty of election judges.

Section 21. This Act shall take effect and be in full force from and after its passage and approval by the Governor.

Approved March 8, 1915.

CHAPTER 111.

"An Act to amend Section 9483 of the Revised Codes of Montana, relating to the competency of husband and wife as witness against the other."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 9483 be, and the same is hereby amended to read as follows:

Husband and wife not competent witnesses, when.

"Section 9483. When husband and wife are not competent witnesses.—Except with the consent of both, or in cases of criminal violence upon one by the other, or in case of abandonment, or neglect of children by either party, or of abandonment or neglect of the wife by the husband, neither husband nor wife is a competent witness for or against the other in a criminal action or proceeding to which one or both are parties."

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1915.

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CHAPTER 112.

"An Act to amend Section 406 of Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana, providing for the method of changing boundaries of school districts."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 406 of Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana be amended to read as follows:

"406 District Boundaries:

District boundaries may be changed how only.

The boundaries of any district cannot be changed, save in forming new districts, except as herein provided. A majority of the resident freeholders residing in territory which is a part of any organized school district, may present a petition in writing to the County Superintendent, asking that such territory be transferred to or included in any other organized district to which said territory is contiguous. The petition shall prescribe the territory which it is proposed to transfer or include, and shall also state the reason for desiring such change and the number of children of school age, if any, residing in the territory to be transferred or included.

Petition and requirements thereof.

Notice, duty of county superintendent.

Posting notice.

The County Superintendent shall file said petition in his office immediately on receipt thereof, and shall give notice to the parties interested by posting notices at least ten days prior to the time appointed for considering said petition, one of which shall be in a public place in the territory which is proposed to be transferred or included, and one on the door of each school house in each district affected by the change, or if there be no school house in such district then in some public place in such district or districts, and at the time stated in said notice for the consideration of such petition, which shall not be less than ten days nor more than thirty days after the date of filing such petition, he shall proceed to hear such petition, and if he deem it advisable and for the best interests of the territory proposed to be transferred or included, he shall grant said petition and make an order fixing the boundaries of the districts so changed, which order shall be final, unless an appeal be taken to the Board of County Commissioners of the County wherein such Districts are located within thirty days thereafter, and upon hearing thereof the decision of said Board shall be final. All the papers, documents and records in the case shall be certified by the County Superintendent to the County Commissioners for their determination of the matter on appeal; Provided, that lands lying contiguous

Hearing of petition.

Order and effect thereof.

Appeal and procedure.

Proviso.

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to a district and not attached to any district, shall be attached to an adjacent district by the County Superintendent of his own motion; and provided, further, that all districts shall consist of contiguous territory.

Repealing clause. Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1915.

CHAPTER 113.

"An Act to amend Section 6870 of the Revised Codes of Montana, and to enact nine additional sections to be numbered '6870a,' '6870b,' '6870c,' '6870d,' '6870e,' '6870f,' '6870g,' '6870h,' '6870i,' relating to actions to quiet title to real estate; providing for the procedure in such actions; providing for joining as parties defendant in such actions all adverse claimants and possible adverse claimants, both known and unknown; providing for the service of summons in such cases, and conferring upon the courts in which such actions are tried jurisdiction to make a full adjudication of titles to real estate involved in such action, and defining the effect of decrees entered in such cases."

Be it enacted by the Legislative Assembly of the State of Montana:

Parties to action to quiet title. Section 1. That Section 6870 of the Revised Codes be, and the same is hereby, amended so as to read as follows:

Section 6870. An action may be brought and prosecuted to final decree, judgment or order, by any person or persons, whether in actual possession or not, claiming title to real estate, against any person or persons, both known and unknown, who claim or may claim any right, title, estate or interest therein, or lien or encumbrance thereon, adverse to plaintiff's ownership, or any cloud upon plaintiff's title thereto, whether such claim or possible claim be present or contingent, including any claim or possible claim of dower, inchoate or accrued, for the

Venue. purpose of determining such claim or possible claim, and quieting the title to said real estate. All actions brought under this section must be brought in the county in which the real estate, or a portion thereof, as to which the title is sought to be quieted, is situated.

Section 2. That nine additional sections, numbered 6870a, 6870b, 6870c, 6870d, 6870e, 6870f, 6870g, 6870h, and 6870i, be and they are hereby enacted to read as follows:

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Who may be joined as defendants.

Section 6870a. In any action brought under Section 6870a the plaintiff may join as defendants any or all persons, known or unknown, claiming, or who might claim, any right, title, estate or interest in, or lien or encumbrance upon the real property described in the complaint, or any thereof, adverse to plaintiff's ownership, or any cloud upon plaintiff's title thereto, whether such claim or possible claim be present or contingent, including any claim or possible claim or dower, inchoate or accrued, and including the person or persons in possession if the plaintiff is not in possession. If the plaintiff shall desire to obtain a complete adjudication of the title to the real estate described in the complaint, he may name as defendants all known persons who assert or who might assert any claim as in this section above specified, and may join as defendants all persons unknown who might make any such claim, by adding in the caption of the complaint in such action the words, "and all other persons, unknown, claiming or who might claim any right, title, estate or interest in, or lien or encumbrance upon the real property described in the complaint, or any thereof, adverse to plaintiff's ownership, or any cloud upon plaintiff's title thereto, whether such claim or possible claim be present or contingent, including any claim or possible claim of dower, inchoate or accrued."

Parties, unknown persons, complaint.

Duty of plaintiff before publication of summons.

Section 6870b. Before any order for the publication of summons is granted as hereinafter provided, the plaintiff shall file, in the office of the Clerk and Recorder of each county in which any of the property involved in such action is situated, a notice of the pendency of such action, signed by the plaintiff or his attorney, which notice shall contain the title of the court in which such action is filed, the full caption of the cause, a complete description of all the property involved in such action, and a statement of the relief sought by plaintiff.

Notice of pendency of action.

Service of summons by publication, when.

Section 6870c. When any defendant specifically named in such complaint resides out of the state, or has departed from the state, or cannot after due diligence be found within the state, or conceals himself to avoid the service of summons, or when any defendant is a foreign corporation, having no agent for the service of process, nor managing or business agent, cashier, secretary, or other officer within the state or when any defendant is a domestic corporation and none of the officers or agents of such corporation, upon whom valid service of said corporation can be made, can, after due diligence be found within the state, the plaintiff, upon the return of the summons showing due personal service within the state upon all defendants specifically named in the complaint, other

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than such as come within the meaning of the foregoing provisions of this section, and upon filing with the Clerk of said Court an affidavit setting forth the facts with reference to any of such defendants upon whom personal service of summons within the State cannot be made, within the meaning of the foregoing provisions of this section, may obtain an order for the service of summons upon such defendants last mentioned, to be made by publication.

Publication of summons, plaintiff must file affidavit, contents.

Section 6870d. The plaintiff may obtain an order for the service of summons upon all unknown claimants or possible claimants by publication, upon filing with the Clerk of the Court an affidavit showing that he has made diligent search and inquiry for all persons who claim, or might claim, any right, title, estate or interest in, or lien, or encumbrance upon such real property, or any thereof, adverse to plaintiff's ownership, or any cloud upon plaintiff's title thereto, whether such claim or possible claim be present or contingent, including any right of dower, inchoate or accrued, and has specifically named as defendants in such action all such persons whose names can be ascertained. One affidavit and order for service by publication may be made to include all defendants, known and unknown, upon whom such service is sought, and in such event but one summons shall be published, and the same shall be directed to all defendants upon whom such summons shall be served by publication; but no order for service by publication shall be made until proof of the filing of the notice of the pendency of such action in accordance with the provisions of Section 6870b has been made to the court.

Co-defendants, one summons sufficient.

Proof of filing of notice of pendency of action.

Plaintiff must produce testimony before order of publication granted.

Section 6870e. The affidavit provided for in Sections 6870c and 6870d shall be sufficient if the necessary facts are therein alleged substantially in the language employed in said sections; but before any order of publication is granted the plaintiff shall produce testimony, oral or by deposition, as in contested cases, showing clearly that the necessary facts exist, and that he has used due diligence in all respects as to which due diligence is required in such case by the preceding sections, and the testimony of each witness examined orally upon the hearing shall be reduced to writing and be subscribed and sworn to by such witness, and all such testimony, together with all depositions used upon such hearing, shall be filed in said action.

Section 6870f. The summons to be published under the preceding sections shall be in substantially the following form:

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Form of summons.

"(Title of Court and Cause.)"

"To (naming known defendants upon whom service by publication is sought), and to all other persons, unknown, claiming, or who might claim, any right, title, estate, or interest in, or lien or encumbrance upon the real property described in the complaint, or any thereof, adverse to plaintiff's ownership, or any cloud upon plaintiff's title thereto, whether such claim or possible claim be present or contingent, including any claim or possible claim of dower, inchoate or accrued, Greeting:

"You are hereby summoned to answer the complaint in this action which is filed in the office of the clerk of this court, a copy of which is herewith served upon you, and to file your answer and serve a copy thereof upon the plaintiff's attorney within twenty days after the service of this summons, exclusive of the day of service; and in case of your failure to appear or answer, judgment will be taken against you by default, for the relief demanded in the complaint.

"This action involves the title to the following described lands, to-wit:

(Here insert description of land.)

"The nature of the relief sought by the plaintiff is as follows:

(Here set forth in concise form character of relief sought.)

"Witness my hand and the seal of said court, this ..... day of .....

.....

Clerk of the above entitled Court."

Publication, how often and where.

Such summons shall be published at least once in each week for a period of six weeks in some newspaper, of general circulation, printed and regularly published at least once a week in the county in which the action is brought, or if there is no such newspaper printed in such county, then such summons shall be published in like manner, for a like period, in the nearest county in which such a newspaper is printed, preference to be given, first, to an adjoining county in which any portion of the property is situated, if situated in more than one county; and second, to any adjoining county. Service shall be deemed complete on the forty-second day after the day of first publication.

When service complete.

Statutory provisions applicable.

Section 6870g. The provisions of Section 6513 to 6527, inclusive, so far as the same are not in conflict with these sections, are hereby made applicable to the action herein provided for.

Extent of jurisdiction of court.

Section 6870h. Upon the service of summons on all the defendants, known and unknown, in the manner pro-

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vided in the preceding sections, the court, in which such action is tried, shall have jurisdiction to make a complete adjudication of the title to the lands named in the complaint and the title to which is sought to be quieted, including jurisdiction to direct the cancellation of instruments constituting clouds upon such title, the execution of conveyances, where it appears that any party to such action should execute such conveyance or conveyances, the execution of satisfactions of mortgages and other apparent liens upon such land, or any part thereof, or the doing of any other act of a personal nature necessary to give effect to the rights of the respective parties to such action as the same may be adjudicated by the court. When any judgment or decree shall be rendered in such action, for a conveyance, release or acquittance, as above mentioned, and the party or parties against whom the judgment or decree shall be rendered do not comply therewith, within the time specified in said judgment or decree for such compliance, such judgment or decree shall have the same operation and effect, and be as available, as if the conveyance, release, or acquittance had been executed conformably to such judgment or decree. Before plaintiff shall be entitled to a decree in such action against any defendant who shall not appear therein, he must produce evidence sufficient to prima facie entitle him to relief, and relief shall be granted only to the extent to which such evidence shall prima facie prove him to be entitled to the same; but this provision shall not effect the procedure in or manner of trial of such actions as between the plaintiff and any defendant who shall appear in such action; and the oral testimony of each witness testifying in support of the complaint in such action, as against such defendant who shall not appear therein shall be reduced to writing, subscribed and sworn to by such witness, and the same, together with all depositions and documentary evidence produced in support of such complaint, shall be filed in such action.

Effect of judgment.

Prerequisites to decree.

Proviso.

Testimony to be reduced to writing and filed.

Who bound by judgment.

Section 6870i. Every person made a defendant to such action, by name, and every unknown claimant or possible claimant, upon whom service has been made by publication, in accordance with the preceding sections, and who has not appeared in such action, shall be bound by the judgment or decree entered in such action, subject to the right of any such defendants to apply for relief in any manner provided by the statutes applicable to the case of a defaulting defendant served only by publication.

Section 3. This Act shall be in full force and effect from and after the date of its passage and approval.

Approved March 8, 1915.

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CHAPTER 114.

"An Act to amend Section 3219 of the Revised Codes of the State of Montana, 1907, relating to the appointment, number, and duties of the Trustees of Public Libraries; giving them certain powers in connection with the Library Fund."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 3219 of the Revised Codes of the State of Montana, 1907, be and the same is hereby amended to read as follows:

Section 3219. The trustees of any public library created or existing in a city or town must be appointed by the mayor with the advice and consent of the council. The number of such trustees and their duties must be prescribed by ordinance, Provided, however, that the "Library Fund" provided for in Section 3488 of this Code shall be invested by the City Treasurer under the direction of the trustees of the library; and no money shall be paid out of said fund by him except on an order or warrant from said trustees, who shall have exclusive power to make contracts and expenditures for the support and maintenance of the library, and the purchase of books and other things for a library.

Appointments of trustees of Public Libraries.

Manner of disbursement of Library Fund.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall have full force and effect from and after its passage and approval.

Approved March 8, 1915.

CHAPTER 115.

"An Act to amend Section 2108 of Chapter 76 of the Session Laws of 1913, providing for a tax levy for County High School purposes."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2108 of Chapter 76 of the Session Laws of 1913 be amended so as to read as follows:

Section 2108. At the regular April meeting or at some succeeding meeting, called for such purpose, said trustees shall make an estimate of the amount of funds needed for building purposes, for payment of teachers' wages, and for payment of contingent expenses and they shall present to the board of county commissioners a certified estimate of the rate of tax required to raise the amount desired for such purposes, and the board of county commissioners must levy such tax as other county taxes are levied. But

School Trustees to make estimate of expenses.

Estimate of Rate of Tax required.

County Commissioners must levy tax.

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Limit of amount of tax.

in no case shall the tax for such purpose exceed in one year the amount of five mills on the dollar on the taxable property of the county.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 8th, 1915.

CHAPTER 116.

"An Act defining fakirs and providing for the punishment of any person who sells goods, wares or merchandise by means of any false representation, trick, device, or lottery, or by means of any game of chance, for the purpose of obtaining a greater price therefor than their actual retail price in value upon the market."

Be it enacted by the Legislative Assembly of the State of Montana:

"Fakir"—Definition.

Section 1. Any person who shall sell or attempt to sell any articles, goods, wares or merchandise of any kind upon the streets of any city or town by means of any false representations, trick, devise, or lottery, or by means of any game of chance, for the purpose and with intent to obtain a greater or better price for such article or goods than their actual retail price or value upon the market, shall be deemed a fakir, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than two hundred dollars, or by imprisonment in the county jail not less than ten days nor more than fifty days.

Penalties.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1915.

CHAPTER 117.

"An Act defining false advertising, making the same unlawful, and prescribing penalties therefor."

Be it enacted by the Legislative Assembly of the State of Montana:

"False Advertising." Definition.

Section 1. False advertising as used in this Act shall mean any false statement regarding the quality or price of goods, wares or merchandise, in any advertisement, circular, letter, poster, hand-bill, display card, or other written or printed matter, by means of which such goods, wares or merchandise are offered for sale to the public.

False adveritising prohibited.

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Section 2. It shall be unlawful for any person, corporation, copartnership, or association of individuals to make any false statement regarding the quality or price of goods, wares or merchandise in any advertisement, circular, letter, poster, hand-bill, display card, or other written or printed matter, by means of which such goods, wares or merchandise are offered for sale to the public.

Violation of Act a misdemeanor.

Section 3. Any person violating any of the provisions of this Act by means of false advertising, as herein defined, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty, nor more than five hundred dollars, or by imprisonment in the county jail not less than thirty days nor more than six months, or by both such fine and imprisonment.

Penalties.

Repealing clause.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved March 8th, 1915.

CHAPTER 118.

"An Act providing for the issuance of guaranties and policies of insurance affecting titles to real estate, and guaranteeing or insuring owners of real or personal property, or others interested therein, or having liens or encumbrances thereon, against loss by reason of defective titles, encumbrances, or adverse claims of title, or otherwise, and authorizing certain title insurance companies to do a trust business."

Be it enacted by the Legislative Assembly of the State of Montana:

Who may incorporate Title Insurance Company.

Section 1. Any number of persons, not less than three, may associate themselves together under the provisions of this Act, and become incorporated as a Title Insurance Company, who shall, with their successors, constitute a body politic and corporate, under the name adopted by them in their articles of incorporation, provided no such corporation shall adopt a name previously adopted by any other corporation in this State.

Statutes applicable to company.

Section 2. Every title insurance company shall be subject to and shall comply with all the requirement of the insurance laws and the rules and regulations of the Insurance Department of this State, and the Insurance Commissioner shall have the same power and authority regarding any such corporation that he may exercise in relation to other insurance corporations organized under the laws of this State, including the right to examine and

Subject to rules and regulations of Insurance Department.

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Examination of financial condition.

inspect the financial condition and affairs of such company relating to the insurance business of such company, and to compel compliance with the provisions of law governing any such corporation.

Amount of Capital Stock

Section 3. Every corporation organized under the provisions of this Act shall have not less than one hundred thousand dollars of capital subscribed, at least fifty per cent of which shall be paid up and invested in bonds of the United States, or this State, bonds issued by the authority of the Legislative Assembly of this State secured by land grants, bonds or warrants of any school district, county or city in this State, or in bonds or mortgages upon unincumbered real estate in this State worth, exclusive of improvements, at least double the sum loaned thereon, which securities shall be deposited with the Insurance Commissioner, who shall give his receipt therefor, and the State shall be responsible for their custody and safe return. Upon such deposit and evidence by affidavit or otherwise, satisfactory to the Insurance Commissioner, that the capital is all subscribed in good faith, and that the company is the actual and unqualified owner of the securities representing the paid up capital, he shall issue to such company a certificate which shall be its authority to commence business and issue policies in this State.

Paid-up capital to be invested in what kind of securities.

Deposit of securities with Insurance Commissioner.

Commissioner to issue certificate to company

Securities may be exchanged for others.

Section 4. The securities above referred to in this Act and so deposited may be exchanged from time to time, with the approval of the Insurance Commissioner, for other securities receivable as aforesaid and so long as the company so depositing said securities shall continue solvent, said company shall have the right and shall be permitted by the Insurance Commissioner to receive the interest and dividends on the securities so deposited. Said securities shall be subject to sale and transfer and to the disposal of the proceeds by said Insurance Commissioner, only on the order of a court of competent jurisdiction, and for the benefit of the holders of guaranties and policies of insurance issued by the company depositing such securities.

Company entitled to interest and dividends on securities—when.

Sale of securities, for whose benefit.

Amount company may expend to commence business.

Section 5. Any such corporation organized under the laws of this State and having a capital stock paid in, in cash, of more than one hundred thousand dollars, after depositing said guaranty fund as above provided, may invest an amount not to exceed fifty per cent of its subscribed capital stock in the preparation and purchase of materials or plant necessary to enable it to engage in such title insurance business; and such materials or plant shall be deemed an asset valued at the actual cost thereof, in all statements and proceedings required by law for the ascertainment and determination of the condition of such cor-

Cost of materials or plant to be deemed an asset.

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poration, or at such lesser value as may be estimated by such corporation in any such statement or proceeding, or omitted entirely therefrom.

Creation of Title Insurance Surplus Fund.

Section 6. Every title insurance company shall annually set apart a sum equal to ten per cent of its premiums during the year, which sums shall be allowed to accumulate until a fund shall have been created equal in amount to twenty-five per cent of the subscribed capital stock of such corporation. Such fund shall be maintained as a further security to holders of the guaranties and policies of insurance issued by such corporation, and shall be known as the "Title insurance surplus fund;" and if at any time such fund shall be impaired by reason of a loss, the amount by which it may be impaired shall be restored in the manner herein above provided for its accumulation. The reporting of a loss shall be deemed an impairment of such fund for the purposes of this section. Such corporation must not make any dividends except from profits remaining on hand after retaining unimpaired:

Impairment of Fund—Duty of company.

What deemed an impairment.

1. The entire subscribed capital stock.

2. The amount set apart as a surplus fund under the provisions of this section.

3. A sum sufficient to pay all liabilities for expenses and taxes, and all losses reported or in course of settlement, without impairment of the title insurance surplus fund required to be set apart as hereinabove provided.

Dividends permissible when.

What deemed a policy of insurance.

Any written contract or instrument purporting to show the title to real property, or furnish information relative thereto, which shall in express terms purport to insure or guarantee such title or the correctness of such information, shall be deemed a policy of title insurance.

Powers of company.

Section 7. Every title insurance company organized under this Act shall also have power to guarantee or insure the identity, due execution, and validity of any note or bond secured by mortgage or trust deed, and the identity, due execution and validity and recording of any such mortgage or trust deed, and the identity, due execuption and validity of bonds, notes or other evidence of indebtedness issued by this State, or by any county, city, school district, irrigation district or other municipality or district herein, or by any private or public corporation, and to act as registrar or transfer agent of this State, or of any municipality or district therein, or of any private or public corporation, and to transfer or countersign any such bonds, notes or other evidence of indebtedness and to transfer or countersign certificates of stock of any private or public corporation.

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Company may do business as trust company, when.

Section 8. Any title insurance corporation incorporated under this Act authorized by its articles of incorporation to act as executor, administrator, guardian, assignee, receiver, depositary, agent or trustee, or to do a general trust business, and having a capital of not less than three hundred thousand dollars actually paid in, in cash, may also do a business as a trust company, and maintain a trust department as well as a title insurance department, on compliance with the following conditions:

Doing business as trust company—prerequisites.

1. When such title insurance company desires to do such a departmental business, it shall first obtain the consent of both the State Examiner and of the Insurance Commissioner, and in its application for such consent, must file a statement making a segregation of its capital and surplus for each such department. At least two hundred thousand dollars of its capital must be apportioned by such statement to its trust department. The respective portion of such capital and surplus, when such apportionment has been approved by the State Examiner, and by the Insurance Commissioner, shall be considered and treated as the separate capital and surplus of each such department respectively, as if each such department was a separate business.

Segregation of capital and surplus.

Title Insurance company subject to what laws, rules and regulations.

2. Such company, as to its title insurance department, shall be subject to and shall comply with all the requirements of the insurance laws and the rules and regulations of the Insurance Department of this State, and may invest its capital apportioned to its title insurance department, and the accumulations thereon, in the securities in which the capital and accumulations of insurance companies are allowed by the laws of this State to be invested, including the materials and plant necessary to enable it to engage in the title insurance business as provided in this chapter.

Investment of capital.

Trust department subject to banking laws and regulations of State Examiner.

3. Such company, as to its trust department, shall be subject to and shall comply with all the requirements of the banking laws of this State and the rules and regulations of the State Examiner, and may invest its capital apportioned to its trust department, and the accumulations thereon, and trust funds received by it, in accordance with the laws of this State relative to the investment of funds of trust companies.

Investment of Trust Funds.

Company must procure certificate from Insurance Commissioner.

Section 9. No corporation shall make any contract or issue any policy of guaranty or insurance affecting titles to real estate, or engage in the business of a title insurance company, until it has obtained from the Insurance Commissioner his certificate that such company has complied with the provisions of this chapter and is duly authorized to do business as such title insurance company.

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Loans to officers, employes, etc. prohibited.

Section 10. No loan shall be made by any title insurance company, directly or indirectly, to any of its officers, or directors or employes, or to any member of the family of any officer or director. Any officer, director, agent or employe of any such company who knowingly consents to any violation of the terms or provisions of this section shall be guilty of a misdemeanor.

Misdemeanor.

Repealing clause.

Section 11. All Acts and parts of Acts in conflict with any of the provisions of this Act are hereby repealed.

Section 12. This Act shall be in full force and effect on and after the date of its passage and approval.

Approved March 8th, 1915.

CHAPTER 119.

"An Act to amend Section 2112 of Chapter 76 of the Session Laws of 1913, providing for the support of District High Schools."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2112 of Chapter 76 of the Session Laws of 1913 be and the same is hereby amended so as to read as follows:

School Districts maintaining high school classes to share in high school moneys

"Section 2112. 1. In any county where a county high school has been established, any school district which maintains high school classes duly accredited by the State Superintendent of Public Instruction shall be entitled on such accrediting to share in all county high school moneys levied and collected for maintenance, and the money derived from such levy shall be apportioned by the county superintendent of schools to the several accredited high schools in the county according to the average daily attendance in accredited high school classes for the school year next preceding, as determined by the said county superintendent."

Apportionemnt of moneys.

Special tax levy for benefit of school districts maintaining high school classes.

2. In any county where no county high school has been established, but in which one or more districts maintain high school classes duly accredited by the State Superintendent of Public Instruction, a special tax levy not exceeding three mills on each dollar of taxable property in the district may be made for the benefit of such high schools. When such levy is to be made, the chairman of the board of trustees of each school district maintaining a high school shall, on or before the first day of August in each year, severally recommend and advise the board of county commissioners as to how many mills the tax levy should be on each dollar of taxable property, and the board of county commissioners shall thereupon fix the

Duties of Boards of School Trustees and County Commissioners.

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levy not exceeding three mills according to their own judgment at a rate which will raise sufficient money to meet the reasonable expenditures of such accredited high schools for maintenance during the ensuing school year, and the money derived from such levy shall be apportioned by the county superintendent of schools to the several districts, in which such tax is levied, according to the average daily attendance in accredited high school classes for the school year next preceding, as determined by the said county superintendent."

Apportionment of funds derived from special levy.

Attendance at high school to be free.

3. Attendance at any high school to whose support such money is apportioned in accordance with the provisions of this Act shall be free to all eligible pupils residing within the district in the county in which such accredited high school is situated."

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall take effect and be in full force from and after its passage and approval.

Approved March 8, 1915.

CHAPTER 120.

"An Act to amend Chapter 1 of Part II of Title IX of the Revised Codes of 1907 relating to execution sales by adding a new section numbered 6830a, providing for the postponement of execution sale."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Chapter 1 of Part 11 of Title IX, of the Revised Codes of 1907, be, and the same is hereby amended by adding thereto a new section, numbered 6830a, reading as follows:

Postponement of execution sale.

"6830a. Good cause therefor appearing, the officer holding the execution may postpone any sale noticed thereunder, for a period not exceeding fifteen days, by public proclamation at the time and place fixed in the notice of sale, and by posting a notice in three public places in the township where the property has previously been noticed to be sold.

Proclamation and Posting Notice.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Section 3. This Act shall take effect and be in full force from and after its passage and approval.

Approved March 8, 1915.

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CHAPTER 121.

"An Act to amend Section 1 of Chapter 100 of the Session Laws of the Twelfth Legislative Assembly of the State of Montana, relating to the enlargement of the Snow Creek Game Preserve."

Be it enacted by the Legislative Assembly of the State of Montana:

Creation of Snow Creek Game Preserve.

Section 1. Of Chapter 100, Session Laws of the Twelfth Legislative Assembly of the State of Montana is hereby amended to read as follows:

Boundaries.

Section 1. For the better protection of antelope, deer and other game animals and birds, the following described area in the State of Montana, Counties of Dawson and Valley is hereby set aside and established as the Snow Creek Game Preserve, to-wit: Beginning at a point on the north bank of the Missouri River directly across and opposite the point where the divide between Hell Creek and Crooked Creek intersects the south bank of the Missouri River thence southerly across the Missouri River and continuing on top of said divide to the top of the main divide between Big Dry Creek and the Missouri River, thence westerly on top of said last mentioned divide to the top of the divide between Billy Creek and Seven Blackfoot Creek, thence northerly on said last named divide to a point on the northern bank of the Missouri River directly across and opposite where said last named divide intersects the south bank of said river, thence easterly along the north bank of the Missouri River following the meanderings thereof to the point of beginning.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved, March 8, 1915.

CHAPTER 122.

"An Act to amend Chapter 113 of the Laws of 1911, relating to the registration of electors in counties, cities, towns and school districts."

Be it enacted by the Legislative Assembly of the State of Montana:

County Clerk to be County Registrar.

Section 1. That Chapter 113 of the Laws of the Legislative Assembly of 1911 be amended so as to read as follows: The County Clerk of each county of the State of Montana is hereby declared to be ex-officio County Registrar of such county and shall perform all acts and duties in this Act provided without extra pay or compen-

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Custodian of Registration books, papers, etc.

sation therefor. He shall have the custody of all registration books, cards and papers herein provided for, and the register hereinafter provided for to be kept by said County Clerk is hereby declared to be an official record of the office of the County Clerk of each county.

Register an official record.

County commissioners must establish election precincts and define their boundaries.

Section 2. The territorial unit for the conduct of elections shall be the election precinct. The Board of County Commissioners of each county shall establish a convenient number of election precincts therein, having reference to equalizing the number of electors in the several precincts as nearly as possible. Precinct boundaries shall conform to the boundaries of the wards of incorporated cities or towns and to the boundaries of school districts of the first class only, provided that any ward or school district may be divided into two or more precincts.

Precincts in cities and towns.

New precincts, consolidation of change of old ones.

When not to be created or changed.

Section 3. The Board of County Commissioners may change the boundaries of precincts and create new or consolidate established precincts, but no precinct shall be changed or created between the first day of January and the first day of December in any year during which a general election is to be held within the State of Montana.

Changes or alterations to be certified to county clerk.

All changes, alterations or modifications in precinct boundaries must be certified to the County Clerk within three days after the order making same shall have been made.

Numbering and naming precincts.

All election precincts shall be designated by numbers, but may also be designated by distinctive names in addition to such numbers.

City council to certify ward boundaries.

Section 4. The City Council of all incorporated cities and towns within the State of Montana shall certify to the County clerk and Ex-officio Registrar of the county within which such city or town is situated a description of the boundaries of the several wards within such city or town and in like manner shall certify any changes or alterations in such boundaries, that may from time to time be made, within ten days after the same are made.

County surveyor to prepare map of boundaries of election precincts.

Section 5. The County Surveyor of each county must within ten days after the Board of County Commissioners shall have established or changed the boundaries of any election precincts within such county deliver to the county clerk of the county a map correctly showing the boundaries of all precincts and school districts within the county as then existing.

Map of wards to be prepared by city council and presented to county clerk.

Section 6. The City Council of any incorporated city or town shall within ten days after the ward lines of such city or town shall have been established or changed, deliver or cause to be delivered to the County Clerk of said county a map correctly showing the boundaries of the wards within such city or town as then existing; such map

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shall also show all streets, avenues and alleys by name and the respective wards by numbers, with the ward boundaries clearly defined thereon. What map must show.

Section 7. The official register of electors in each county shall be contained in a book designated register which book shall be so arranged in precincts and alphabetical divisions suitable to record the full and complete information given by each elector and a card index of which the County Clerk of such county shall at all times have the custody. The cards shall be four by six inches in size, of white calendared stock, and shall be so perforated that all cards in any drawer may be fastened in by a rod passing through such perforations, which rod shall be kept locked except when the clerk shall be making necessary changes in the register. The registry book herein provided shall be in such form as shall be designated by the Secretary of State of the State of Montana. The registry card shall be substantially in the following form: Arrangement of Register. Register to keep card index. Form of Registry Book.

STATE OF MONTANA,)
COUNTY OF.....) ss.

(FACE.) Form of Registry Card.

Number	Date	Name	Sex
Where born	Age	Height Ft.-In.	Occupation
Naturalized when		Where	
Residence		Post Office Sec. Twp. Rg.	
Length of time in		Precinct Ward School Dist.	
State County City			
Date cancelled	Date registered	Disability if any	
Place where last registered			

STATE OF MONTANA,)
COUNTY OF.....) ss.

....., being duly sworn says: I am the elector whose name appears on the face of this card; the several statements thereon contained affecting my qualifications as an elector are true; I am able to mark my ballot (or I am unable to mark my ballot by reason of the physical disabilities on this card specified) and I am not registered elsewhere within the State of Affidavit of Voter.

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Montana, and claim no right to vote elsewhere than in the precinct on this card specified, so help me God.

.....

Subscribed and sworn to before me this..... day of....., 19.....

.....

County Clerk and Ex-officio Registrar.
By.....Deputy.

Lost Naturalization papers. Form of affidavit.

(BACK.)

Affidavit of Lost Naturalization Papers.

STATE OF MONTANA, }
COUNTY OF..... } ss.

....., being duly sworn on oath, says:

I am the elector named on the face of this card; I am a naturalized citizen of the United States; my certificate of naturalization is lost or destroyed, or beyond my present reach, and I have no certified copy thereof; I came to the United States in the year.....; I was admitted to citizenship in the state (or territory) of ....., county of....., by the .....court during the year.....; I last saw my certificate of naturalization, or a certified copy thereof, at .....

.....

Subscribed and sworn to before me this..... day of ....., 19.....

.....

County Clerk and Ex-officio Registrar.
By.....Deputy.

Who may register.

Section 8. Any elector residing within the county may register by appearing before the County Clerk and Ex-officio Registrar and making correct answers to all questions propounded by the County Clerk touching the items of information called for by such registry card and by signing and verifying the affidavit or affidavits on the back of such card.

Elector residing more than ten miles from office of county clerk.

Section 9. If any elector resides more than ten miles distant from the office of the County Clerk, he may register before the deputy registrar within the precinct where such elector resides. If by reason of physical infirmity the elector is unable to appear before the County Clerk or any deputy registrar, he may send written notice to the County Clerk, or to the Deputy Registrar, of such disability with the request that his registration be made at his residence. Upon receipt of such notice and request it shall be the duty of the County Clerk or Deputy

Registration of infirm elector—procedure.

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Registrar, as the case may be, to make the registration of such elector at his residence. Provided that no greater sum than twenty-five cents may be charged or received by any officer or person for taking the registration of the elector herein provided for; and provided further that no officer or person shall be entitled to receive from any county in the State of Montana any charge for expenses incurred by reason of the provisions of this section.

Fee for registration.

Section 10. All Notary Publics and Justices of the Peace are hereby designated as Deputy Registrars for the purpose of carrying out the provisions of this Act. The County Clerk of each county may appoint a Deputy Registrar in each precinct of such county distant more than ten miles from the County Court House wherein no Justice of the Peace or Notary Public resides. It shall be the duty of the Deputy Registrar to register all electors within his precinct applying for registration, and for this purpose he shall have authority to demand of the elector all information and to administer all oaths required by this Act. The Deputy Registrar shall be a resident elector within the precinct for which he is appointed, and shall receive as compensation for his services the sum of twenty-five cents for each elector registered by him. He shall forward within two days all registry cards filled out before him to the County Clerk.

Notaries public and justices of the peace, deputy registrars.

County Clerk may appoint deputy registrars, when.

Power of deputy registrars.

Qualifications and compensation of deputy registrars.

Section 11. The office of the County Clerk shall be open for registration of voters between the hours of 9 A. M. and 5 P. M. on all days except legal holidays, Registry cards shall be numbered consecutively in the order of their receipt at the office of the County Clerk; provided, however, that electors who are registered upon the registry books in use in any county prior to the passage and approval of this law shall retain upon their registry cards the same number as they have severally had upon such books, and provided also that such electors need not again appear at the office of the County Clerk to register, but the County Clerk is hereby authorized to fill out from such registry books registry cards for all electors entitled to vote at the time of the passage and approval of this law, transcribing from such books the data called for by such cards. The cards so filled out from the registry books shall be marked "transcribed" by the County Clerk, and shall constitute part of the official register, and shall entitle the elector represented by each such card to vote in the same manner as if the card had been filled out, signed and verified by such elector. The County Clerk shall classify registry cards according to the precincts in which the several electors reside, and shall arrange the cards in each precinct in

Hours for registration.

Contents, numbering, etc., of registry cards.

Clerk to fill out registry cards from registry book.

Duty of clerk in in preparation of cards.

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Cards for each precinct to be kept separate.

alphabetical order. The cards for each precinct shall be kept in a separate filing case or drawer which shall be marked with the number of the precinct. The County Clerk shall, immediately after filling out the card index or registry cards as herein provided, enter upon the official register of the county in the proper precinct, the full information given by said elector.

Entries in official register.

Procedure where applicant not qualified at time of registration but qualified at time of election.

Section 12. If any applicant for registration applies to be registered who has not resided within the State of Montana, or the county or city for the required length of time, and who shall be entitled to and is qualified to register on or before the day of election, provided he answers the question of the County Clerk in a satisfactory manner and it is made to appear to the County Clerk that he will be entitled to become a qualified elector by the time upon which the election is to be held, the County Clerk shall accept such registration. If any person applies to be registered who is not a citizen of the United States but states that he will be qualified to be registered as a citizen of the United States before the time upon which the election is to be held, the County Clerk shall accept such registration, but shall opposite the name of such person the words, "to be challenged for want of naturalization papers," and such person shall not be entitled to vote unless he exhibits to the judges of election his final naturalization papers.

Exhibition of Naturalization Papers.

Elector changing from precinct to precinct residence. Transfer of registration.

Section 13. Every elector on changing his residence from one precinct to another within the same county may cause his registry card to be transferred to the register of the precinct of his new residence by a request in writing to the County Clerk of such county in the following form:

Form of request.

I, the undersigned, elector, having changed my residence from Precinct No..... to Precinct No..... in the County of....., State of Montana, herewith make application to have my registry card transferred to the precinct register of the precinct of my present residence. My registration number is.....

Dated at.....on the.....day of....., 19.....

Duty of county clerk when making transfer.

The County Clerk shall compare the signature of the elector upon such request with the signature upon the registry card of the elector indicated, and may question the elector as to any of the information contained upon such registry card, and if the County Clerk is satisfied concerning the identity of the elector and his right to have such transfer made, he shall endorse upon the registry card of such elector the date of the transfer and the precinct to which transferred and shall file said card

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in the register of the precinct of the elector's present residence, and the County Clerk shall make transfers of elector's names together with all data connected therewith to the proper precinct in the register.

Change of residence from county to county, procedure.

Section 14. If any elector registered as such in any county shall change his residence to another county in the State of Montana, he shall make and file with the County Clerk of the latter county the following affidavit in duplicate, to-wit:

Form of affidavit requesting change of registration to another county.

STATE OF MONTANA, }
COUNTY OF..... } ss.

I, the undersigned elector, being duly sworn on oath say:

I have heretofore registered as an elector in the State of Montana, County of....., Precinct No. ..... but on the.....day of....., 19..... I moved my residence to the County of .....in said State and now reside at..... Section..... Township..... Range..... Precinct No.....; I occupy room No..... of the.....Building.....floor; I was born in.....and was naturalized as a citizen of the United States in..... My height is .....ft.....in. I request that I be registered to conform to my present address.

.....
Elector.

Subscribed and sworn to before me this..... day of ....., 19.....

.....

Elector to fill out registry card.

Said affidavit may be sworn to before any officer authorized to administer oaths within the State of Montana. Upon filing such affidavit in duplicate with the County Clerk, such elector shall fill out a registry card as herein provided for the original registration of voters and he shall thereupon be entitled to all of the rights of an elector in the precinct of his present residence, and such registry card shall be filed in the official registry of such precinct in the same manner as an original registry card.

Cancellation of registry of elector, when and how.

Upon receiving the duplicate affidavits above referred to the County Clerk shall file one in his own office and shall within two days thereafter transmit the other to the County Clerk of the county wherein said elector was previously registered. Upon the receipt of such duplicate affidavit by the County Clerk of such other county, he shall transfer the registry card of the elector named in such affidavit to the cancelled file of said county. Upon

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receiving the duplicate affidavit referred to in this section the County Clerk shall cancel the name of such elector in the register herein provided for by drawing a line through said entry in red ink and by endorsing thereon the cause of said cancellation.

Cancellation of registry for failure to vote, duty of clerk.

Section 15. Immediately after every general election the County Clerk of each county shall compare the list of electors who have voted at such election in each precinct, as shown by the official poll book, with the official register of said precinct, and he shall remove from the official register herein provided for the registry cards of all electors who have failed to vote at such election, and shall mark each of said cards with the word "cancelled," and shall place such cancelled cards for the entire county in alphabetical order in a separate drawer to be known as the "cancelled file," but any elector whose card is thus removed from the official register may re-register in the same manner as his original registration was made, and the registration card of any elector who thus re-registers shall be filed by the County Clerk in the official register in the same manner as original registration cards are filed. The County Clerk shall at the same time cancel, by drawing a red line through the entry thereof, the name of all such electors who have failed to vote at such election.

Elector may re-register after cancellation.

Close of registration.

Section 16. The County Clerk shall close all registration for the full period of thirty days prior to, and before any election. He shall immediately transmit to the Secretary of State, a certificate showing the number of voters registered, in each precinct in said county. The County Clerk of each county must cause to be published in a newspaper within his county, having a general circulation therein, for thirty days before which time when such registration shall be closed for any election, a notice signed by him to the effect that such registration will be closed on the day provided by law, and which day shall be specified in such notice; and must also state that electors may register for the ensuing election by appearing before the County Clerk at his office, or by appearing before a Deputy Registrar in the manner provided by law. The publication of such notice must continue for the full period of thirty days. At least thirty days before the time when the official register is closed for any election, the county Clerk shall cause to be posted in at least five conspicuous places in each voting precinct at such election notice of the time when the official register will close for such election.

Certificate to Secretary of State.

Publication of notice of close of registration.

Posting of notice of close of registration.

Section 17. The County Clerk shall at least ten days

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preceding any election, cause to be printed a list of all electors entitled to be registered and who are on the precinct registers as entitled to vote in the several precincts of such county, city or town, or school district of the first class. Such printed list of registered electors shall contain the name of the elector in full, together with his residence and the registry number. The expense of printing said list shall be paid by the said county, city, town, or school district in which the election is to be held. The County Clerk shall cause to be posted, not less than eight days before any such election as in this Act provided for, at least five copies of such printed registry lists in at least five conspicuous places within the said precinct a copy of the list of registered voters, and shall retain a sufficient number of said printed lists of registered voters in his office as may be necessary. He shall furnish to any qualified elector of the city, town, school district or county, applying therefor, a copy of the same.

Printing of list of registered electors.

List to contain what.

Expense of printing, how paid.

Posting of lists of registered electors.

County clerk to furnish copies of lists to electors applying therefor.

Section 18. During the time intervening between the closing of the official register and the day of the ensuing election, the County Clerk shall prepare for each precinct a book to be known as the "poll book," which shall be for the use of the clerks and judges of election in each such precinct. Such books shall be arranged for the listing of the names of electors in alphabetical divisions, each division to be composed of ruled columns with appropriate headings under which the information contained upon the registry card of each elector shall be transcribed, excepting oath of elector and the certified copy of poll books so prepared shall be delivered to the judges of election at or prior to the opening of the polls in each precinct. Where the precincts in municipal elections, or in elections in school districts of the first class include more than one county precinct, the County Clerk shall combine into one poll book the names of all electors in the several precinct registers of the precincts of which such municipal or school district precinct is composed.

Preparation of poll book by county clerk.

Arrangement of poll book.

Precincts including more than one county precinct, procedure as to poll book.

Section 19. Whenever the period during which the official registry is closed preceding any election shall occur during the time within which any elector is entitled to register for another election, such elector shall be permitted to register for such other election, but the County Clerk shall retain his registry card in a separate file until the official register is again open for filing of cards, at which time all cards in such temporary file shall be placed in their proper position in the official register.

Registration of electors during period registry is closed for one election.

Temporary filing of registration cards.

Section 20. The County Clerk must cancel any registry card in the following cases:

When county clerk must cancel registry cards.

1. At the request of the party registered.

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2. When he has personal knowledge of the death or removal from the county of the person registered or when a duly authenticated certificate of the death of any elector is filed in his office.

3. When the insanity of the elector is legally established.

4. Upon the production of a certified copy of a final judgment of conviction of any elector of felony.

5. Upon the production of a certified copy of the judgment of any court directing the cancellation to be made.

Compensation of county clerks for registration of electors.

Section 21. The County Clerk shall receive, for the use and benefit of the county, from every city or town, or from every school district of the first class, to which the poll books referred to in the last section have been furnished, the sum of five cents for each and every name entered in such poll books, and in addition he shall receive in like manner the amount of the actual expense incurred in printing and posting the lists of electors, and in publishing the notices required by this law, and any other expense incurred on account of any such municipal or school district election. It shall be the duty of the City or Town Council, or Board of School Trustees, to order a warrant drawn for such sum as may be due to the County Clerk under the provisions of this section within thirty days after the presentation of the account to them by said County Clerk.

Cities, towns and school districts must draw warrant in payment of clerk.

Copies of precinct registers, clerk must furnish, cost of same.

Section 22. The County Clerk shall furnish to any person or persons who in writing may request a copy of the official precinct registers of any county, city or school district precinct, and upon delivery thereof shall charge and collect for the use and benefit of the county the sum of five cents for each and every name entered in such official precinct register.

Time for filing challenges.

Section 23. At any time not later than the 10th day prior to any election, a challenge may be filed with the County Clerk, signed by a qualified elector in writing, and duly verified by the affidavit of the elector, that the elector designated therein is not entitled to register. Such affidavit shall state the grounds of challenge, objection and disqualification. The County Clerk shall file the affidavit of challenge in his office as a record thereof.

Affidavit of challenge.

The County Clerk must deliver a true and correct copy of any and all of such affidavits so filed, challenging the right of any elector to vote who has been so registered at the same time, and together with the copy of the precinct registers and check lists, and other papers required by this Act to be delivered to the judges of election, as in this Act provided, and he must write distinctly opposite

Clerk must deliver challenges to judges of election.

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to the name of any person to whose qualification as an elector objections may be thus made, the words, "To be challenged." It shall be the duty of the judges of election, if on election day, such person who has been objected and challenged applies to vote, to test, under oath, his qualifications. Notwithstanding the elector is registered, his right to vote may be challenged on the day of election by any qualified registered elector, orally stating, to the judges of election, the grounds of such objection or challenge to the right of any registered elector to vote.

Duty of judges upon challenge.

It is the duty of the judges of election when it appears that any elector offers to vote and is either challenged by a duly qualified registered elector, on election day, or if an affidavit of objection to the right of such elector to vote has been filed with the County Clerk and the copy of the precinct registers furnished to the judges of election have endorsed thereon, opposite to the name of such elector: "to be challenged," to test the qualifications of the elector and ask any questions that such judges may deem proper, and shall compare the answers of the elector to such questions with the entries in the precinct register books, and if it be found that said elector is disqualified, or that the answers given by such elector, to the questions propounded by the judges, do not correspond to the entry in the precinct registers, or that said elector is disqualified from any cause under the law, or if he refuses to take an oath as to his qualifications, he shall not be permitted to vote. The judges of election, in their discretion, may require such elector to produce before them one or more freeholders of the county, as they may deem necessary, and have them examined under oath, as to the qualifications of the elector.

Test of qualifications of electors by judges upon challenge.

When elector not entitled to vote.

Discretion of judges in deciding on qualifications.

Section 24. For the purpose of registration or voting, the place of residence of any person must be governed by the following rules as far as they are applicable:

Residence, rules by which to be decided.

1. That place must be considered and held to be the residence of a person in which his habitation is fixed, and to which, whenever he is absent, he has the intention of returning.

2. A person must not be held to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States, or of this State, nor while a student at any institution of learning, nor while kept at any alms house or other asylum at the public expense, nor while confined in any public prison, nor while residing on any Indian or Military reservation.

When residence has been gained or lost.

3. No soldier, seaman or marine in the army or navy of the United States shall be deemed a resident of this

Soldiers, seamen or marines.

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State on consequence of being stationed at any military or naval place within the same.

When residence not lost.

4. A person must not be considered to have lost his residence who leaves his home to go into another State, or other district of this State, for temporary purposes merely with the intention of returning, provided he has not exercised the right of the election franchise in said State or District.

Residence not gained, when.

5. A person must not be considered to have gained a residence in any county into which he comes for temporary purposes merely without the intention of making such county his home.

When moving to another state with intention of remaining.

6. If a person removes to another State with the intention of making it his residence, he loses his residence in this State.

Moving to another state for an indefinite time.

7. If a person removes to another state with the intention of remaining there for an indefinite time, and as a place of present residence, he loses his residence in this State, notwithstanding he entertains an intention of returning at some future period.

Presumption of residence.

8. The place where a man's family resides is presumed his place of residence, but any man who takes up or continues his abode with the intention of remaining, or a place other than where his family resides, must be regarded as a resident of the place where he so abides.

Intent to remain must accompany removal to make change of residence.

9. A change of residence can only be made by the act of removal joined with the intent to remain in another place. There can only be one residence. A residence cannot be lost until another is gained.

How term of residence to be computed.

10. The term of residence must be computed, by including the day of the election.

Persons residing upon Indian or military reservations.

11. Any person living upon an Indian or Military reservation shall not be deemed to be a resident of Montana, within the meaning of this Chapter, unless such person has acquired a residence in some county in Montana prior to taking up his residence upon such Indian or Military reservation, provided, that if such person shall not be in the employ of the government while residing upon such Indian or Military reservation, such person shall not be considered a resident of the State of Montana.

Certificates of naturalization, presentation to registrar.

Section 25. When a naturalized citizen applies for registration his certificate of naturalization or a certified copy thereof must be produced and stamped, or written in ink by the registry agent with such registry agent's name and the year and day and county where presented, but if it satisfactorily appears to the registry agent, by the affidavit of the applicant (and the affidavit of one or more credable electors as to the creda-

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bility of such applicant when deemed necessary), that his certificate of naturalization or a certified copy thereof is lost or destroyed or beyond the reach of the applicant for the time being, said registry agent must register the name of said applicant, unless he is by law otherwise disqualified; but in case of failure to produce the certificate of naturalization or a certified copy thereof, the registry agent must propound the following questions:

When certificate lost or destroyed.

1. In what year did you come to the United States?
2. In what State or Territory, county, court and year were you finally admitted to citizenship?
3. Where did you last see your certificate of naturalization, or a certified copy thereof?

Questions to be asked when certificate not presented.

Section 26. The judges of election in each precinct, at every general or special election, shall, in the precinct register book, which shall be certified to them by the county clerk, mark a cross (X) upon the line opposite to the name of the elector, before any elector is permitted to vote the judges of election shall require the elector to sign his name upon one of the precinct register books, designated by the County Clerk for that purpose, and in a column reserved in the said precinct books for the signature of electors. If the elector is not able to sign his name he shall be required by the judges to produce two freeholders who shall make an affidavit before the judges of election, or one of them, in substantially the following form:

Judges must mark precinct registry book when elector has voted.

Elector must sign name on book.

Procedure when elector unable to write.

STATE OF MONTANA, }
COUNTY OF..... } ss.

Affidavit of freeholders.

We, the undersigned witnesses, do swear that our names and signatures are genuine, and that we are each personally acquainted with ....., (the name of the elector) and that we know that he is residing at ....., and that we believe that he is entitled to vote at this election, and that we are each freeholders in the County, which affidavit shall be filed by the judges, and returned by them to the County Clerk, with the return of the election; one of the judges shall thereupon write the elector's name, and note the fact of his inability to sign, and the names of the two freeholders who made the affidavit herein provided for. If the elector fails or refuses to sign his name and if unable to write fails to procure two freeholders who will take the oath herein provided, he shall not be allowed to vote. Immediately after the election and canvass of the returns, the judges of election shall deliver to the County Clerk the copy of said official precinct register sealed, with the election returns and poll book, which have been used at said election.

Judges to return affidavit to county clerk.

Refusal of elector to sign book, effect.

Judges must deliver poll book, returns, etc., to clerk.

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Parties to action to compel entry of names in the great register.

Section 27. In any action or proceeding instituted in a District Court to compel the County Clerk to make and enter the name of any elector in the precinct register, as many persons may be joined as plaintiffs for cause of action and as many persons as there are causes of action against, may be joined as defendants.

No person can vote unless his name is on copy of official register furnished to the judges.

Appearance of name prima facie evidence of right to vote.

Section 28. No person shall be entitled to vote at any election mentioned in this Act unless his name shall, on the day of election, except at school election in school districts of the second and third class, appear in the copy of the official precinct register furnished by the County Clerk to the judges of election; and the fact that his name so appears in the copy of the precinct register shall be prima facie evidence of his right to vote; provided, that when the judges shall have good reason to believe, or when they shall be informed by a qualified elector that the person offering to vote is not the person who was so registered in that name, the vote of such person shall not be received until he shall have proved his identity as the person who was registered in that name by the oath of two reputable freeholders within the precinct in which such elector is registered.

If identity of person is questioned proof to be required.

Erroneous omission of elector's name from poll book, remedy.

Section 29. Any elector whose name is erroneously omitted from any precinct poll book, may apply for and secure from the County Clerk, a certificate of such error and stating the precinct in which such elector is entitled to vote, and upon the presentation of such certificate to the judges of election in such precinct the said elector shall be entitled to vote in the same manner as if his name had appeared upon the precinct poll book. Such certificate shall be marked "voted" by the judges and shall be returned by them with the poll book.

Authority of deputy county clerk.

Section 30. Wherever in this Act the word "County Clerk" appears, it shall be construed as extending and giving authority to any regularly appointed Deputy County Clerk.

"Elector," definition.

Section 31. The word "elector" as used in this law, whether used with or without the masculine pronoun, shall apply equally to male and female electors.

"Election" applicable to what.

Section 32. The word "election," as used in this law where not otherwise qualified, shall be taken to apply to general, special, primary nominating and municipal elections, and to elections in school districts of the first class.

Violation of provisions of Act to constitute a felony.

Section 33. Any person or persons or any officer of any county, city or town or school district, who, under the provisions of this Act, are required to perform any duty, who shall wilfully or knowingly fail, refuse or neglect to perform such duty, or to comply with the pro-

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visions of this Act, shall, upon conviction, be fined in the sum of not less than three hundred dollars ($300.00), nor more than one thousand ($1000.00) or by imprisonment in the county jail for a period of not less than three months and no more than one year. Upon the conviction of any officer of the violation of the provisions of this Act, the judge of the District Court hearing such proceeding shall, at the time of rendering judgment of conviction, include in such order of conviction, an order of the court that such officer be removed from office. Penalties.

Section 34. If any person offering to vote at any primary election be challenged by a judge or any qualified elector at said election, as to his right to vote thereat, an oath shall be administered to him by one of the judges that he will truly answer all questions touching his right to vote at such election, and if it appear that he is not a qualified voter under the provisions of this Act, his vote shall be rejected; and if any person whose vote shall be so rejected shall offer to vote at the same election, at any other polling place, he shall be deemed guilty of a misdemeanor. Challenging elector, oath to be administered. Attempting to vote after rejection a misdemeanor.

Section 35. Any person who shall make false answers either for himself or another, or shall violate or attempt to violate any of the provisions of this Act, or knowingly encourage another to violate the same, or any public officer or officers or other persons upon whom any duty is imposed by this Act, or any of its provisions, who shall wilfully neglect such duty, or shall wilfully perform it in such way as to hinder the objects and purposes of this Act, shall, excepting where some penalty is provided by the terms of this Act, be deemed guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the state prison for a period of not less than one year or more than fourteen years, and if such person be a public officer, shall also forfeit his office. Acts constituting violation of Statute, a felony. Penalties.

Section 36. It shall be the duty of the Board of County Commissioners of each county to provide the County Clerk thereof with sufficient help to enable him to properly perform the duties imposed upon him by this Act, and the cost of the stationery, printing, publishing and posting to be furnished or procured by the County Clerk by the provisions of this law shall be a proper charge upon the County. County commissioners to supply clerk with sufficient help.

Section 37. Chapter 74 of the Laws of 1913 entitled "An Act to amend Chapter 113 of the Laws of 1911, relating to the registration of electors in Counties, Cities, Towns and School Districts and all Acts or parts of Acts and all amendments thereto in conflict herewith are hereby repealed." Repealing clause.

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Section 38. This Act shall be in full force and effect sixty (60) days from and after its passage and approval by the Governor.

Approved March 8th, 1915.

CHAPTER 123.

"An Act empowering county commissioners to create and establish special improvement districts in thickly populated localities outside the limits of incorporated towns and cities, for the purpose of constructing sanitary and storm sewers, installing lights and such other special improvements, that may be petitioned for by sixty per cent (60%) of the freeholders affected by the same."

Be it enacted by the Legislative Assembly of the State of Montana:

Power of boards of county commissioners.

Section 1. The Boards of County Commissioners of the several counties throughout the State are given jurisdiction and power under such limitations and restrictions as are prescribed by law.

Special improvement districts for sewers, lights, etc. outside of cities and towns.

To create and establish special improvement districts in thickly populated localities outside the limits of incorporated towns and cities, for the purpose of constructing sanitary and storm sewers, installing lights and such other special improvements, that may be petitioned for by Sixty Per Cent (60%) of the free holders affected by the same, in general conformity with the provisions of Chapter Eighty-nine (89), Thirteenth Legislative Session Laws, in so far as the same are applicable to the performance of the special improvements, that may be petitioned for by the aforesaid Sixty Per Cent (60%) resident free holders thereof.

Procedure.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1915.

CHAPTER 124.

"An Act to amend Chapter 87 of the Session Laws of the Twelfth Legislative Assembly of the State of Montana, having to do with the protection of game animals and game birds within a certain district in the State of Montana."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1 of Chapter 87 of the Session Laws of the Twelfth Legislative Assembly of the State of Montana be amended so as to read as follows:

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"It is hereby unlawful for any person or persons to hunt, kill or pursue any game animal or game bird within the Territory as established by the following boundaries, to-wit. Creation of game preserve.

Beginning at a point in the center of the Yellowstone River where the Yellowstone River is intersected by the North Boundary Line of the Yellowstone National Park; thence down the Yellowstone River in a Northerly direction, a distance of eight miles, more or less, to a point in the center of the Yellowstone River directly opposite the mouth of Mol Heron Creek; thence due West in a straight line until this projected line intersects the watershed between Mol Heron Creek and Tom Miner Creek, a distance of six miles, more or less; thence in a general westerly direction following the watershed between Mol Heron Creek and Tom Miner Creek, Specimen Creek and Sheep Creek, Tepee Creek and Buffalo Horn Creek, to a point in the Northwest Quarter of Section Twelve, Township Nine South, Range Four East, where the County Road crosses the Gallatin River, a distance of fifteen miles, more or less; thence in a southeasterly direction along the northeasterly side-line of the County Road, to a point where said County Road, after running in a southeasterly direction from the point last mentioned, enters the Yellowstone National Park, being a distance of five and one-half miles, more or less; thence north along the west boundary line of the Yellowstone National Park to a point where the west boundary line of said Yellowstone National Park intersects the north boundary line of said Yellowstone National Park, to-wit, the northwest corner of said Yellowstone National Park; thence east along the north boundary of said Yellowstone National Park to the point of beginning." Boundaries.

Section 2. Any person or persons guilty of a violation of this Act shall be fined in any sum not less than Twenty-five ($25.00) Dollars, nor more than Two Hundred ($200.00) Dollars. Violation of Act, penalties.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

Section 4. This Act shall be in full force and effect after its passage and approval by the Governor.

Approved March 8, 1915.

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CHAPTER 125.

"An Act to amend Section 17, of Chapter 86, of the Laws of the Thirteenth Legislative Assembly of the State of Montana, entitled: "An Act providing for the Execution, Filing, Renewal and Foreclosure of Chattel Mortgages; Defining the Rights of Subsequent Mortgages; providing Penalty for the Violation of the Provisions of this Act; Prescribing the Procedure and Practice in attaching Mortgaged Property; Providing that Chattel Mortgages now in force shall not be affected by the Provisions of this Act; and Repealing Sections 5757, 5758, 5759, 5760, 5761, 5762, 5763, 5764, 5765, 5766, 5767, 5768, 5769, 5770, 5771, 5772, and 5773, of the Revised Codes of the State of Montana, of 1907, Respecting the sale of Mortgaged property or its removal from the county in which it is situated."

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Sec. 17, Ch. 86, Laws 1913.

Section 1. That Section 17, of Chapter 86 of the Laws of the Thirteenth Legislative Assembly of the State of Montana, entitled, "An Act providing for the execution, filing, renewal and foreclosure of Chattel Mortgages; defining the rights of subsequent mortgages; providing penalty for the violation of the provisions of this Act; prescribing the procedure and practice in attaching mortgaged property; providing that chattel mortgages now in force shall not be affected by the provisions of this Act; and repealing Sections 5757, 5758, 5759, 5760, 5761, 5762, 5763, 5764, 5765, 5766, 5767, 5768, 5769, 5770, 5771, 5772, and 5773, of the Revised Codes of the State of Montana, of 1907, be and the same is hereby amended to read as follows:

Removing mortgaged property from county or crop from ground without consent of mortgagee, or selling same a misdemeanor.

"Section 17. Any person who has executed a mortgage upon personal property, except locomotives, engines, rolling stock of a railroad, steamboat machinery and vessels in actual use, who shall, during the existence of the lien or title created by such mortgage, remove the same from the county where said property was situated at the time of the execution of the mortgage, or in case of a mortgage crop, from the land on which the same was grown, or sell or remove said property or crop, or any part thereof, without the consent in writing of the mortgage, first had and obtained shall be guilty of misdemeanor, but if such sale be made, or removal had, with intent to deprive the mortgagee of his claim thereto, or interest therein, such person is guilty of larceny and shall

If done with intent to defraud mortgagee, a larceny.

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be punished in the same manner and to the same extent as for larceny of the property so removed or disposed of."

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1915.

CHAPTER 126.

"An Act to provide for the Nomination and Election of Senators in Congress of the United States from the State of Montana, and to provide for the filling of vacancies in such offices, and to repeal Sections 637 and 638 of the Revised Codes of the State of Montana for the year 1907 and all other Acts and parts of Acts in conflict with this Act, and to provide that the provisions of this Act shall be substituted for and in lieu of the Sections of the Code hereby repealed."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That there is hereby substituted for and in lieu of Section 637 of the Revised Codes of the State of Montana for the year 1907, the following provisions:

When election to be held.

Section 637. The election of Senators in Congress of the United States for full terms and to fill vacancies therein must be held on the first Tuesday after the first Monday in November next preceding the commencement of the term to be filled or following the occurrence of such vacancy, or if any election therefor be invalid, or not held at such time, then the same shall be held at the time of the next succeeding general State election. Nominations of candidates and elections to the office shall be made in the same manner as is provided by law in case of Governor.

Nominations, how to be made.

Section 2. That there is hereby substituted for and in lieu of Section 638 of the Revised Codes of the State of Montana for the year 1907, the following provisions:

Governor to issue writ of election to fill vacancy.

Section 638. When a vacancy happens in the office of one or more Senators from the State of Montana in the Congress of the United States, the Governor of this State shall issue, under the seal of the State, a writ or writs of election, to be held at the next succeeding general State election, to fill such vacancy or vacancies by vote of the electors of the State; Provided, however, that the Governor shall have power to make temporary appointments to fill such vacancy or vacancies until the electors shall have filled them.

Governor may make temporary appointment.

Repealing clause.

Section 3. That Sections 637 and 638 of the Revised Codes of the State of Montana for the year 1907, and all

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other Acts and parts of Acts in conflict herewith, be, and the same are hereby repealed.

Section 4. That this Act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1915.

CHAPTER 127.

"An Act directing the levying of a tax on live stock, for the purpose of aiding in the payment of salaries and expenses of the Board of Stock Commissioners, the Board of Sheep Commissioners and the Live Stock Sanitary Board and for the payment of indemnity for animals slaughtered and of expenses in investigating and suppressing diseases and for the payment of bounties on wild animals and repealing Chapter 49 of the Session Laws of the Twelfth Legislative Assembly, relating to the levying of a tax for the payment of bounties, stock inspection and indemnity purposes."

Be it enacted by the Legislative Assembly of the State of Montana:

Additional tax levy for live-stock purposes authorized.

Section 1. In addition to appropriations made for such purposes, a tax is hereby authorized and directed to be levied on all livestock in this State for the purpose of aiding in the payment of the salaries and all expenses connected with the enforcement of the stock laws of the State of Montana and for the payment of bounties on wild animals, as hereinafter specified.

State Board of equalization to prescribe rate of levy.

Section 2. The State Board of Equalization is hereby empowered and it is made its duty annually to prescribe the levy to be made against livestock of all classes for the purpose above indicated and the various Boards herein named shall have the right to recommend to said State Board of Equalization the amount of such levy.

Limit of levy.

Section 3. The amount of such levy shall not in any event exceed the sum of one (1) mill which shall be levied to aid in the payment of the general expense of the Board of Stock Commissioners and of the Board of Sheep Commissioners, including salaries, office expense, detective expense, expense of prosecution, travel and all incidental expenses and a separate levy of not exceeding one and one-half (1½) mills for the use of the State Live Stock Sanitary Board for the payment of indemnity for animals slaughtered and of expenses incurred in investigating and suppressing diseases including expenses of quarantine and all expenses incurred for such purposes; Provided, that not more than fifty thousand ($50,000) dollars of said State Live Stock Sanitary Board

Separate levy for use of State Livestock Sanitary Board.

Limit of emergency fund, when fund to be used.

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fund shall be set aside as an emergency fund and shall be expended only when said Sanitary Board determines that an emergency exists, requiring its expenditure and it shall then be expended for such purposes as said Sanitary Board may order and direct.

Tax levy on sheep, how fund to be used.

Section 4. The money received from the tax levied on sheep as provided in the first part of Section 3 of this Act shall be placed to the credit of the Sheep Inspection and Indemnity Fund and shall be used to aid in the payment of the general expenses, salaries, office expense, detective expense, expense of prosecution, travel and other expense of the Board of Sheep Commissioners and the moneys received from the tax on all other stock, as provided in Section 3 of this Act, shall be placed to the credit of the Stock Inspection and Detective Fund to be used for like purposes for said Board of Stock Commissioners. The moneys received from the tax levied by the second division of said Section 3, shall be placed in a fund to be known as the State Live Stock Sanitary Board Fund, to be used by said Board for the payment of indemnity for animals slaughtered and for the payment of expenses in investigating and suppressing diseases, including quarantine and all expenses connected therewith.

What moneys to be placed in Stock Inspection and Indemnity Fund.

State Livestock Sanitary Board Fund, how to be used.

County treasurers transmit taxes to State Treasurer.

Section 5. The taxes levied and the money collected pursuant to the provisions of Section 3 of this Act shall be transmitted annually with other taxes for State purposes to the State Treasury by the county treasurers of each county and such county treasurer shall designate the amount received from the tax levied on sheep and the amount received from the tax levied on all other livestock and shall specify said separate amounts in his report to the State Treasurer and such money when received by the State Treasurer shall be placed to the credit of the funds as provided in Section 4 of this Act.

Duty of State Treasurer.

State Board of Equalization to prescribe rate of levy for bounty purposes.

Section 6. The State Board of Equalization shall, in addition to the tax heretofore in this Act provided for, annually prescribe the levy to be made against livestock of all classes for the purpose of aiding in the payment of bounties on wild animals killed within this State which tax shall not in any one year exceed one and one-half (1½) mill on the dollar upon the assessed valuation of such livestock and such money so received shall be used and applied only in payment of claims for bounty for the killing of wild animals after the passage and approval of this Act and the moneys received from the taxes so levied shall be transmitted annually with other taxes for State purposes to the State Treasury by the county treasurer of each county and when received by the State

Limit of tax.

Moneys to be used for paying bounty claims only.

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Duties of State and county treasurers.
How moneys to be paid out.

Treasurer, shall be placed to the credit of the bounty fund and such money shall thereafter be paid out only on claims duly and regularly presented to the State Board of Examiners in accordance with the law for the payment of bounty for the killing of wild animals.

Registration of bounty claims.

Section 7. All claims for bounty made against the State hereafter if passed, allowed and not paid within a period of thirty (30) days after presentation to and allowance by the State Board of Examiners shall be registered in the office of the State Board of Examiners in a book provided for such purpose and thereafter shall bear interest at the rate of four (4) per cent per annum until paid.

Claims to bear interest.

Repealing clause.

Section 8. Chapter 49 of the Session Laws of the Twelfth Legislative Assembly and all Acts and parts of Acts in confliction with this Act be and the same are hereby repealed.

Section 9. This Act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1915.

CHAPTER 128.

"An Act to amend Section 6132 of the Revised Codes of Montana of 1907, relating to the sale of goods, wares and merchandise in bulk and relating to the verified statement of the vendor as to his creditors and to the application of the money received from such sales and to the invalidity of such sales and providing that money arising from such sales shall be applied to the payment of creditors of the vendor "pro rata" and not "share and share alike."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6132 of the Revised Codes of the State of Montana of 1907 be amended to read as follows:

Bulk sale of merchandise.

Section 6132. Whenever any person shall bargain for, or purchase any stock of goods, wares or menchandise in bulk, for cash, or on credit, and shall pay any part of the purchase price, or execute or deliver to the vendor thereof, or to his order, or to any person for his use, any promissory note, or other evidence of indebtedness for said purchase price, or any part thereof, without first having demanded and received from said vendor, or from his agent, the statement provided for in Section 6131 of the Revised Codes of Montana of 1907, and verified as there provided, and without paying, or seeing to it that the purchase money of the said property, is applied to

When sale fraudulent and void.

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the payment of the bona fide claim of the creditors of the vendor as shown upon such verified statement, pro rata, such sale, or transfer shall be fraudulent and void."

Repealing clause.

Section 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 8th, 1915.

CHAPTER 129.

"An Act to amend Section 3698 of the Revised Codes of the State of Montana, 1907, relating to liability of husband and wife, and repealing all Acts and parts of Acts in conflict therewith."

Be it enacted by the Legislative Assembly of the State of Montana:

Section I. That Section 3698 of the Revised Codes of the State of Montana of 1907, be, and the same is hereby amended so as to read as follows:

Husband and wife not answerable for acts and debts of the other.

Section 3698. Neither husband nor wife, as such, is answerable for the acts of the other or liable for the debts contracted by the other, provided however, that expenses for necessaries of the family and of the education of the children are chargeable upon the property of both husband and wife, or either of them, and in relation thereto, they may be used jointly or separately.

Proviso.

Repealing clause.

Section II. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section III. This Act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1915.

CHAPTER 130.

"An Act to amend Sections 7 and 35 of Chapter 74 of the Session Laws of the Thirteenth Legislative Assembly relating to the registration of electors in counties, cities, towns and school districts, and to repeal Section 41 of said Act."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Sections 7 and 35 of Chapter 74 of the Session Laws of the Thirteenth Legislative Assembly, relating to the registration of electors in counties, cities, towns and school districts, be and the same are hereby amended to read as follows:

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Precinct register.

Duty of county clerk.

One registration sufficient.

Proviso.

Registration to be closed during what times.

Clerk to make entry when registration closes.

Section 7. The county clerk and ex-officio registrar of each county shall keep and enter in registers, to be designated as precinct registers the names of the qualified electors in the respective precincts of said county, the county clerk shall register the names of all qualified electors at his office, and not elsewhere between the hours of nine A. M. and five P. M. on all legal days, in the manner as hereinafter provided. Such general registration of all voters shall be required but once, and any person once registered shall thereafter, so long as he remains a qualified elector of the precinct from which he registers, shall be entitled to vote, provided the names of any qualified elector who shall fail to vote at any general election, shall, by the county clerk, in the manner hereinafter provided, be removed from the precinct register and he may not thereafter vote until he has again registered During the period of 30 days immediately preceding any general or special election, and during a period of 30 days immediately preceding any primary nominating, municipal, or school election, in school districts of the first class, such registration shall be closed and no person during the period herein specified immediately preceding any general or special primary nominating, municipal or school election in school districts of the first class shall be permitted to register for such election. The county clerk as ex-officio registrar must write in red ink on the line below the last entry on each page of the precinct registers the words, "Closed on account of election to be held on....."

Section 2. Section 35 of said Chapter 74 of the Session Laws of the Thirteenth Legislative Assembly, be and the same is hereby amended to read as follows:

No one permitted to vote if not registered, exception.

What prima facie evidence of right to vote.

When voter must prove identity.

"Section 35. No person shall be entitled to vote at any election mentioned in this Act except at school elections in districts of the second and third class, unless his name shall, on the day of election, appear in the copy of the official precinct register or check list, furnished by the county clerk to the judges of election, at the precinct at which he offers to vote; and the fact that his name so appears in the check lists and in the copy of the official precinct register, in the possession of the judges of election, shall be prima facie evidence of this right to vote; provided that when the judges shall have good reason to believe or when they shall be informed by a qualified elector that the person offering to vote is not the person who was so registered in that name, the vote of such person shall not be received until he shall have proved his identity as the person who was registered in that name."

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Section 3. Section 41 of said Chapter of said Session Laws of the Thirteenth Legislative Assembly, be and the same is hereby repealed. Sect. 41, Ch. 74, Laws 1913, repealed.

Section 4. This Act shall be in force and effect from and after its passage and approval. Repealing clause.

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 8, 1915.

CHAPTER 131.

"An Act to protect the owners of cattle and to cause the inspection of the same before their removal from one county to another within the State of Montana."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That from and after the passage of this Act it shall be the duty of any or all persons, associations or corporations, removing or taking any cow, ox, bull, stag, heifer, steer or calf from one county to another within the State of Montana by railroad or in any other manner whatsoever for the purpose of selling such stock or of offering the same for sale at any public sale to cause the same to be inspected by state stock inspector as hereinafter provided and no railroad company shall accept any of such animals for shipment unless the shipper shall produce a certificate of their inspection by a state stock inspector as herein required; Provided, however, that the provisions of this Act shall not apply to stock removed or taken from one county to another for the purpose of pasturing, feeding or changing of range thereof nor to stock so removed or taken for the use of any person, association or corporation in the usual and ordinary conduct of their business nor shall it be required that registered live stock be inspected for brands when the owner or shipper shall present to the transportation company or to the state stock inspector or other proper authority a certificate of registration of such animal or animals, which certificate when so presented shall be taken in lieu of a brand certificate of inspection. Transportation of uninspected cattle from one county to another prohibited. What cattle excepted from provisions of Act. Exhibition of registration certificate to shipper sufficient.

Section 2. On receiving notice from any person, association or corporation that he or it desires to remove, ship or take from one county to another within this State any of the classes of animals named in Section 1 of this Act, it shall be the duty of the stock inspector immediately to inspect the same by carefully noting the brands upon such animals and otherwise describing such animal and to keep a full and complete record of all such in- Notice of proposed shipment, duty of stock inspector.

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spection in a book to be provided for that purpose by the State Board of Stock Commissioners which description shall contain:

Entries to be made in inspection book by inspector.

I. The brands of all animals branded and the description of animals not branded.

II. The number of animals inspected for removal.

III. The name of the owner or person removing the same.

IV. The name of the person, corporation or association from which the person removing the same made purchase of such animals.

V. The date of such inspection with the destination to which such animals are to be taken and the means of their transportation.

VI. That none of such animals are afflicted with any infectious or contagious disease.

When certificate of inspection and permit to be granted.

If in the opinion of the inspector making the inspection the person proposing to remove such stock is rightfully in the possession of the same and that such animals are not infected with disease, he shall grant such person or persons, corporation or association, certificate of inspection containing a statement of the matters herein above required with a further statement that permission is granted to such person to remove such animals from the county. If, however, the officer or officers making such inspection shall be of the opinion that such stock or any portion thereof is stolen or otherwise wrongfully in the possession of the person or persons proposing to remove the same or if such stock or any portion thereof is infected with disease, the inspection certificate and permit to remove shall be withheld until satisfactory evidence is given to the inspector of the rightful possession of such property by the person or persons proposing to remove the same and in case of disease, until the State Veterinary Surgeon shall have made examination of the animals withheld on account of disease and made written order and direction respecting their disposal. Such certificate of inspection and permit to remove shall be by the holder thereof exhibited to any person or persons demanding to see the same.

When certificate and permit to be withheld.

State Veterinarian to make examination, when.

Certificate and permit to be exhibited on demand.

Duplicate certificate to be transmitted to Board of Stock Commissioners.

Section 3. It shall be the duty of the stock inspector immediately upon making the inspection herein required, in case he passes such live stock, to issue the certificate herein provided for, and to immediately transmit a duplicate of such certificate to the State Board of Stock Commissioners, to be by said board held and kept as a permanent record, and in case he refuses to grant such inspection certificate because of question as to the ownership of the property, he shall immediately notify the

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State Board of Stock Commissioners of his refusal to grant such certificate and his reasons therefor; and, should he refuse to grant a certificate because of his belief that such live stock are infected with disease, the state veterinary surgeon shall be at once notified and requested to make inspection and examination.

Refusal of certificate, procedure.

Section 4. Any person removing or attempting to remove any live stock of the kind named in Section 1 of this Act, without first having received the certificate of inspection and removal, herein provided for, and any railroad accepting for shipment any such property, without compelling the shipper to first give satisfactory evidence of his having received an inspection and removal certificate as herein provided, and any person refusing to exhibit such certificate upon proper demand, shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined in a sum of not less than fifty nor more than five hundred dollars, or by imprisonment in the county jail for a period of not more than six months, or shall be punished by both such fine and imprisonment. All fines assessed and collected under the provisions of this Act shall be turned into the state treasury, and placed to the credit of the stock detective and inspection fund.

Violation of provisions of Act a misdemeanor.

Penalties.

Fines to be turned into Stock Detective and Inspection Fund.

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 6. This Act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1915.

CHAPTER 132.

"An Act to amend Sections 2098, 2099 and 2101 of the Revised Codes of Montana of 1907, relating to the duty of the State Auditor in preparing Statistics."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2098 of the Revised Codes of Montana of 1907 be, and the same is hereby amended to read as follows:

"Section 2098. The Commissioner of Agriculture and Publicity must annually prepare from official reports and from other reliable sources to which he may obtain access, as full tables of the statistics of the State as may be in his power, and report the result of his labor to the Governor."

Statistics, Commissioner of Agriculture and Publicity must gather and report.

Section 2. Section 2099 of the Revised Codes of Montana of 1907 be, and the same is, hereby amended to read as follows:

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Public officers must answer questions promptly.

"Section 2099. All officers to answer questions of Commissioner of Agriculture and Publicity relating thereto.—In order to insure a more perfect collection of the statistical information contemplated by this chapter, every officer within this State must answer fully and promptly the special and general questions the commissioner of agriculture and publicity may propound in carrying out the objects mentioned in this chapter, and no person must receive any compensation for answering such questions."

County assessors must return blanks containing information.

Section 3. Section 2101. Duties of Various Officers. —The County Assessor must make return of all blanks containing statistical information, together with a full abstract of the same, to the commissioner of agriculture and publicity on the first Monday of November annually; and the commissioner of agriculture and publicity is hereby required to cause to be printed all the necessary blanks to enable the assessors to carry into effect the provisions of this chapter, and to furnish the same to the assessor.

Commissioner must furnish blanks to assessor.

Repealing clause.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1915.

CHAPTER 133.

"An Act to amend Section 8, 10, 15 and 16 of Chapter 108, Session Laws of the Eleventh Legislative Assembly entitled, 'An Act to Regulate Public Service of Stallions and Jacks in Montana.'"

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Sections 8, 10, 15 and 16 of Chapter 108 of the Session Laws of the Eleventh Legislative Assembly of the State of Montana are hereby amended to read as follows:

Section 8. The license certificate issued after proper examination of a stallion or jack whose sire and dam are of pure breeding, and the pedigree certificate of which is registered in a stud book recognized by the Montana Stallion Registration Board, and in the case of foreign pedigree certificate those which are registered in a stud book recognized by the United States Department of Agriculture, shall be in the following form:

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STALLION REGISTRATION BOARD.

Form of license. Certificate when sire and dam are of pure breeding.

License certificate of Pure-Bred Stallion or Jack.

The pedigree of the stallion (name).....
Owned by.....bred by.....
Described as follows.....
color..... breed.....
foaled in the year.....has been examined by the Stallion Registration Board of Montana, and it is hereby certified that the said stallion or jack is of pure breeding, is registered in a stud book recognized by said Stallion Registration Board.

The above named stallion or jack has been examined by the veterinarians appointed by the Stallion Registration Board, and is reported as free from infectious, contagious or transmissible diseases or unsoundness (or is affected with.....) and is licensed to stand for public service in the State of Montana.

Signed .....
Secretary, Stallion Registration Board of Montana.

The license certificate issued after proper examination for a stallion or jack whose sire or dam, but not both, is of pure breeding, shall be in the following form:

Form of certificate where sire or dam, but not both, are of pure breeding.

Stallion Registration Board.
License Certificate of Grade Stallion or Jack.

The pedigree of the stallion (name).....
owned by.....bred by.....
described as follows.....
color..... breed.....
foaled in the year.....has been examined by the Stallion Registration Board of Montana, and is hereby certified that the said stallion or jack is not of pure breeding, and is therefore not eligible for registration in any stud book recognized by the Stallion Registration Board.

The above named stallion or jack has been examined by the veterinarian appointed by the Stallion Registration Board, and is reported as free from infectious, contagious or transmissible diseases or unsoundness (or is affected with.....) and is licensed to stand for public service in the State of Montana.

Signed .....
Secretary, Stallion Registration Board, of Montana.

Fee for examination and issuance of license.

Section 10. A fee of ten dollars ($10.00) shall be paid to the Secretary of the Stallion Registration Board for the veterinary examination of stallions and jacks and enrollment of each pedigree and the issuance of a license certificate.

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Renewal fee.

A fee not exceeding two dollars ($2.00) shall be paid annually for the renewal of the license. Stallions or jacks shall be examined every four years, until ten years of age, and after the first examination shall be exempt from examination at ten years of age and over.

Range stallions not included in Act.

Section 15. No part of this Act shall apply to stallions turned upon the open range, and the term "Standing for Public Service," is hereby defined as the service of a stallion or jack for a fee when said stallion or jack is stood at one or more places for a public use.

Railroad companies not to transport stallions or jacks, when.

Section 16. No railroad company, transportation company, or common carrier, shall transport into the State of Montana any stallion or jacks unless accompanied by a State or Federal veterinary certificate as provided in Section 6 of this Act. Violation of this provision shall be punished as provided in Section 12 of this Act.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 8, 1915.

CHAPTER 134.

"An Act to regulate the practice of Pharmacy and regulating the manufacture and sale of drugs and medicines in the State of Montana, and providing penalties for the violation of this Act."

Be it enacted by the Legislative Assembly of the State of Montana:

Who only may sell drugs, medicines, etc.

Section 1. That it shall hereafter be unlawful for any person other than a Registered Pharmacist, as hereinafter defined, to retail, vend, compound or dispense drugs, medicines, poisons, chemicals or pharmaceutical preparations, in the State of Montana, or to institute, conduct or manage a store, shop, pharmacy or institution for the selling, vending, compounding, or dispensing of drugs, medicines, poisons, chemicals or pharmaceutical preparations in the State of Montana, unless, such be a Registered Pharmacist as this Act provided, or unless a registered pharmacist is placed in charge of such store, pharmacy, shop or institution for the retailing, vending, compounding or dispensing of drugs, medicines, poisons, chemicals and pharmaceutical preparations.

"Registered Pharmacist," definition.

Section 2. Registered Pharmacists, within the meaning the this Act, shall comprise all persons who shall, at the time of the passing of this Act, hold certificates of Registration granted by the State Board of Pharmacy of

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the State of Montana, or persons who shall be granted certificates of registration by the said Board of Pharmacy after the passage of this Act either by examination or reciprocity as hereinafter provided; fees for registration, under this Act, shall be fifteen ($15.00) dollars for an examination and Twenty-five ($25.00) Dollars for reciprocity; said fees, thus collected, are to be paid to the State Board of Pharmacy of the State of Montana.

Fees for registration and examination.

To whom fees payable.

Section 3. Assistant Pharmacists, in the meaning of this Act, shall comprise all persons over eighteen years of age, having had, at least one year's practical experience in the compounding and dispensing of physicians' prescriptions and, who shall pass such examination as the State Board of Pharmacy of the State of Montana shall require and pay to the State Board of Pharmacy a fee of Five ($5.00) Dollars. Assistant Pharmacists shall not be permitted, under this Act, to institute, conduct or manage, on their own account or to assume the management for others of any pharmacy, store, shop or institution for the retailing, vending, compounding or dispensing of drugs, medicines, poisons, chemicals or pharmaceutical preparations, and, are to be governed by the rules of the State Board of Pharmacy of the State of Montana.

"Assistant Pharmacist," definition.

What assistant pharmacists may not do.

Section 4. Immediately upon the passage of this Act, the Montana State Pharmaceutical Association shall submit to the Governor of the State of Montana the names of five registered Pharmacists having had at least ten years' practical experience as dispensing pharmacists; provided, however, that nothing herein contained shall be so construed as to apply to or exclude registered pharmacists of less than ten years' practical experience who are graduates in pharmacy, and from this number the Governor shall appoint three, at least one of whom shall be a graduate in pharmacy, and the said three registered pharmacists shall constitute the State Board of Pharmacy of the State of Montana, to have and to hold office for one, two and three years respectively, as designated in their appointments, or until their successors have been duly appointed and qualified.

State Board of Pharmacy, selection of members, manner of appointment.

Term of office.

Annually thereafter the Montana State Pharmaceutical Association shall elect five registered pharmacists having ten years' practical experience as dispensing pharmacists; provided, however, that nothing herein contained shall be so construed as to apply to or exclude registered pharmacists of less than ten years' experience who are graduates in pharmacy. And the Governor shall appoint one registered pharmacist from this number to fill the vacancies annually occurring on the Board. The

Manner of filling annual vacancies in Board.

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term of office shall be three years or until his successor shall be appointed and qualified. In case of resignation or removal of any member of the said board, or a vacancy occurring from any cause, the Governor shall immediately appoint from the remaining selections of the Montana State Pharmaceutical Association a registered pharmacist to serve as a member of the Board for the remainder of the unexpired term, provided, however, that the said Board shall always contain at least one graduate in Pharmacy.

Vacancies from resignation, removal, etc., how to be filled by Governor.

Organization of Board, officers.

Section 5. The said Board of Pharmacy shall, within thirty days after its appointment, meet in the City of Helena and organize by the selection of a President, Secretary and Treasurer, who shall serve for a term of one year and who shall perform the duties prescribed by the said Board; said Secretary, thus appointed, shall not be a member of the State Board of Pharmacy, but shall be a member of the Montana State Pharmaceutical Association in good standing and shall perform the duties as prescribed by the Board. Meetings for the examination of applicants for registration, granting of certificates and such other business as is necessary, shall be held not to exceed twice in any one year, and at such times and places as may be fixed by the said Board; provided, that thirty days' notice in writing to all applicants and to all registered pharmacists of the State of the time and place of each meeting at which there is to be a meeting for an examination of candidates for registration, shall be given. It shall be the duty of the Board to receive all applications for examination and registration submitted in proper form, to grant certificates to such persons as may be entitled to the same under this Act; to cause the prosecution of all persons violating any of the provisions of this Act; to report annually to the Governor and to the State Pharmaceutical Association upon the condition of pharmacy in the State of Montana, which report shall also furnish a record of the proceedings of the Board, as well as the names of all persons registered under this Act; on what grounds and under what particular section of this Act each person was registered, and any other facts pertaining to the granting of certificate including financial report.

Qualifications of secretary.

Meetings for examinations, etc., to be held when and where.

Notice to applicants for registration.

Duties of Board.

Annual report to Governor.

Board may make by-laws and prescribe rules for examination and registration.

The Board shall have power to make by-laws for the full and proper execution of its duties under this Act; to prescribe the forms and methods of application, examination and registration; to demand and receive from applicants the fees herein provided, which shall be held by the said Board and applied to the payment of salaries

Salaries and expenses, how paid.

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and other necessary expenses incident to the full discharge of its duties.

Salaries of Board and secretary fixed.

Section 6. The salaries of the said Board shall be Five ($5.00) Dollars to each member for each day of actual service and all legitimate expenses incurred in the discharge of his official duties. The Secretary of the Board shall receive such salary as may be fixed by the said Board which shall not exceed Six Hundred ($600.00) Dollars per annum and all of his legitimate expenses incurred in the discharge of his official duties; he shall pay to the Treasurer of the State Board of Pharmacy, at each regular meeting of the State Board of Pharmacy, or whenever the State Board of Pharmacy may direct, all funds which be or may come into his possession by virtue of his office as such Secretary, and take the said Treasurer's receipt therefor, and shall be paid out for such purposes only as the State Board of Pharmacy may direct, and only by warrant on said fund on an order drawn by the Secretary and countersigned by the President of the State Board of Pharmacy; provided that no salaries or expense of the Board shall be paid out of the State Treasury.

Funds collected by secretary, to whom to be paid.

Disbursements, how to be made.

State not liable for expense or salaries.

Application for registration, fee for same.

Section 7. Every person seeking registration under this Act, whose registration is not otherwise provided for, shall make application, in form and manner prescribed by the Board, and deposit with the Secretary of the Board a fee of Fifteen ($15.00) Dollars; then, on presenting himself at the time and place directed by the Board, and sustaining a satisfactory examination, he shall be granted an appropriate certificate, setting forth his particular qualifications; provided, that in case of failure of an applicant to pass a satisfactory examination, he will be entitled to a second examination without charge, at the next succeeding meeting of the Board.

When certificate to be granted.

Second examination without charge.

Annual renewal of registration.

Section 8. Every registered pharmacist and every assistant pharmacist, in the meaning of this Act, who desires to continue in the pursuit of pharmacy in this State, shall annually, after the expiration of the first year of registration, and on or before the second day of July of each year, and after having been notified by the Secretary of the State Board of Pharmacy, pay to the Secretary of the State Board of Pharmacy a renewal fee of Three ($3.00) Dollars, One ($1.00) Dollar of which shall be paid to the Montana State Pharmaceutical Association, in return for which a renewal of registration shall be issued. If a person neglect or fail to procure his annual registration as specified, notice of such failure having been mailed to his post office address by the Secretary of the State Board of Pharmacy, as obtained from

Fees.

Failure to renew registration, effect.

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the books of the Secretary, he shall, after the expiration of thirty days, following the issue of the said notice, be deprived of all of the privileges conferred by this Act, and after six months he shall be deprived of his registration, and it shall be necessary for such person to make application and pass an examination as provided in Section seven of this Act.

Certificate to be displayed in places of business.

Section 9. Every person registered under this Act shall receive from the State Board of Pharmacy an appropriate certificate not exceeding in size 320 square inches, which shall be conspicuously displayed at all times in his place of business.

Certificate shall contain what.

If the holder be entitled to manage or conduct a Pharmacy in the State for himself or another the fact shall be set forth in the certificate.

Violation of provisions of Act a misdemeanor.

Section 10. Any person who is not a registered Pharmacist, in the meaning of this Act, who shall conduct, manage or keep, either for himself or others, a Pharmacy. Store, Shop or institution for the retailing, dispensing, compounding or vending of drugs, medicines, poisons, chemicals or pharmaceutical preparations, and who shall not have in his employ a registered Pharmacist, in the meaning of this Act, shall be guilty of a misdemeanor and upon conviction, pay a fine of not less than Twenty-five ($25.00) Dollars, nor more than Two Hundred and Fifty ($250.00) Dollars.

Penalties.

Wrongful exhibition of certificate of registration, penalties.

Section 11. Any person who shall unlawfully and without authority under this Act, take, use or exhibit the title of a registered Pharmacist or an Assistant Pharmacist in the State of Montana, shall be liable to a fine of not less than Fifty ($50.00) Dollars, nor more than Two Hundred and Fifty ($250.00) Dollars, for each and every offense. A like penalty shall attach to any Assistant Pharmacist who shall, without authority, take, use or exhibit the title of registered pharmacist in the State of Montana.

Compounding of drugs by other than registered pharmacist—Penalties.

Section 12. Any proprietor of a Pharmacy, or any other person who shall permit the compounding or dispensing of physicians' prescriptions, or the vending of drugs, medicines, poisons, chemicals or pharmaceutical preparations in his store or place of business, except by a registered pharmacist, in the meaning of this Act, or under the immediate supervision of a registered pharmacist, or who, while continuing in the pursuit of Pharmacy in the State of Montana, shall fail or neglect to procure his annual registration, or any person who shall wilfully make any false representations to procure for himself, or for another, registration under this Act, or who shall violate any provisions of this Act, shall, for each and

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every offense, be liable to a fine of not less than Twenty-five ($25.00) Dollars nor more than Two Hundred and Fifty ($250.00) Dollars. Provided that nothing in this Act shall interfere with the keeping, distributing or handling of drugs, acids or poisons by merchants or corporations, for use in their business when kept in original and plainly labeled packages; provided, also, that nothing in this Act shall interfere with any physician in his regular practice, nor with the wholesale business of any dealers, nor with the business of merchants in towns where there is no regularly licensed Pharmacist when selling drugs, medicines, pharmaceutical or proprietary medicinal preparations in original and plainly labeled packages as the public may require, provided also that nothing herein shall be construed to prevent the sale of any patent or proprietary medicine in the original package, when plainly labeled, nor such non-medicinal articles as are usually sold by general merchants.

Proviso.

Physicians and wholesale and other dealers excepted, when.

Sale of patent medicines in original packages excepted.

Section 13. Every person who shall keep a Pharmacy, Store, Shop or Institution for the compounding or dispensing of physicians' prescriptions, or for the sale of drugs, medicines, chemicals or pharmaceutical preparations, must carry the official preparations of the United States Pharmacopoeia and the National Formulary, and dispense the same.

Drug stores must carry what preparations.

The preparations carried in stock, made or dispensed by such person, where the same are covered by the United States Pharmacopoeia or the National Formulary, shall conform to the United States Pharmacopoeia and the National Formulary.

Preparations to conform to what standard.

Section 14. Any Pharmacist having had four years' practical experience as a dispensing druggist, upon the payment of a fee of Twenty-five ($25.00) Dollars to the Secretary of the State Board of Pharmacy, may be registered without examination under such rules as may be provided by the State Board of Pharmacy, provided further that such Pharmacist be and is registered in some State whose standard of requirements of examination shall be fully equal to the standard of requirements of the State of Montana, and provided that such other State will also register Pharmacists duly and regularly licensed in the State of Montana.

Registration of Pharmacists without examination—when.

Registration by reciprocity.

Section 15. All laws and parts of laws, contrary to or in conflict with this Act are hereby repealed.

Repealing clause.

Section 16. This Act shall take effect and be in force from and after the 1st day of July, 1915.

Approved March 9, 1915.

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CHAPTER 135.

"An Act relating to exceptions and to bills of exceptions and statements of the case in their relation to exceptions, and amending Section 6784 of the Revised Codes of 1907."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6784 of the Revised Codes of 1907 be and the same is hereby amended so as to read as follows:

Practice—what deemed excepted to.

"Section 6784. Every order, ruling and decision of every kind or nature and every verdict, finding, decree or judgment is to be deemed excepted to, and it shall not be necessary to ask for or note an exception, and no bill of exceptions need be settled or filed except where and when hereafter expressly required by law or by a rule of the Supreme Court.

Proviso.

PROVIDED, however, that nothing herein shall be deemed to dispense with the filing of exceptions required in the case of defective findings by Sections 6767 and 6768 of said Revised Codes, but in such case no subsequent bill of exceptions need be settled; and

Procedure not affected by Act.

PROVIDED, further that nothing herein shall be deemed to apply to the proceedings for the settlements of instructions, nor to affect or modify the provisions of Section 6746 of said Codes relating to instructions and the settlement thereof nor to dispense with the objections thereby required, or the making of a record of such objections and proceedings in a Bill of Exceptions or statement of the case or in some other manner now or hereafter provided by law or rule of court, except to the following extent, to-wit: It shall not be necessary to take or note an exception to the ruling or action of the court in deciding to give or in refusing an instruction, or part of an instruction, or in modifying an instruction, or in sustaining or overruling objections to proposed instructions; and it shall not be necessary to incorporate in any such bill or statement any evidence or other matter, if such evidence or other matter may, under the law or rules of court, be brought before the Supreme Court. in some other manner, for consideration in connection with alleged errors in instructions or the settlement thereof.

What rulings, in relation to instructions deemed excepted to.

Incorporation of evidence in bill or statement not necessary, when.

Act not applicable to what

Nothing herein shall be deemed to prohibit the settlement of a bill of exception or a statement of the case, and. if desired, the same may be done as in such cases provided; nor shall anything be deemed to dispense with the making of objections where objections are not required.

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Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall take effect at the time of its passage.

Approved March 9, 1915.

CHAPTER 136.

"An Act changing the name of the Montana State Reform School to the name of Montana State Industrial School."

Be it enacted by the Legislative Assembly of the State of Montana:

Change of name of State Reform School.

Section 1. That from and after the passage and approval of this Act the name of the Montana State Reform School shall be the "Montana State Industrial School."

Powers, duties and obligations of Board of Trustees of State Industrial School.

Section 2. That the objects and purposes of the Montana State Reform School as now provided by law shall be and they are hereby made the objects and purposes of the Montana State Industrial School. And the Board of Trustees of the Montana State Reform School shall have and they are hereby vested with the same powers, duties and obligations as a Board of Trustees of the Montana State Industrial School as is now vested in them as the Board of Trustees of the Montana State Reform School.

Powers and duties of officers.

Section 3. That the director and all other officers and employes of the Montana State Reform School shall be and they are hereby vested with all the powers, duties and obligations as such director, officers and employes of the Montana State Industrial School as they now have as director, officer and employes of the Montana State Reform School. And all existing statutes or other provisions of law relating to the Montana State Reform School are hereby made applicable to the Montana State Industrial School.

Statutes applicable to State Industrial School.

State Industrial School Fund.

Section 4. That the fund created by the provisions of Section 9816 of the Revised Codes of Montana shall hereafter be known as "The State Industrial School Fund."

Repealing clause.

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 6. This Act shall be in full force and effect from and after the date of its passage and approval.

Approved March 9, 1915.

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CHAPTER 137.

"An Act to amend Section 8662 of the Revised Codes of the State of Montana, relating to receiver of stolen property."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 8662 of the Revised Codes of Montana be, and the same is hereby amended to read as follows:

Defining crime of receiving stolen property—

"Section 8662. Receiver of Stolen Property.—Every person who for his own gain or to prevent the owner from again possessing his own property buys or receives any personal property, knowing the same to have been stolen,

Penalty.

is punishable by imprisonment in the state prison not exceeding five years or in a county jail not exceeding six

What presumptive evidence of offense.

months; and it is presumptive evidence that such property was stolen if the same consists of jewelry, silver or plated ware or articles of personal ornament, brass, bronze or copper fixtures, fittings or parts of machinery, or electrical supplies, or what is commonly termed junk, if purchased or received from a person under the age of twenty-one years unless said property is sold by said minor at a fixed place of business carried on by said minor or his employer."

Repealing clause.

Section 2. All Acts or parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1915.

CHAPTER 138.

"An Act to provide for the payment from the State Game and Fish Fund of all costs incurred in prosecutions for the violation of the Game and Fish Laws."

Be it enacted by the Legislative Assembly of the State of Montana:

Costs of prosecutions for violations of game and fish laws—How paid.

Section 1. That in all cases where there is a prosecution for violation of the fish and game laws, and costs have been incurred then, a cost bill shall be prepared and be presented to the State Board of Examiners and if by them allowed the State Treasurer shall thereupon pay same, out of the State Game and Fish fund, to the County Treasurer of the County wherein such costs were incurred.

Repealing clause.

Section 2. That all Acts and parts of Acts contrary to the provisions of this Act are hereby repealed.

Section 3. That this Act shall be in force and affect on and after sixty days from its passage and approval.

Approved March 9th, 1915.

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CHAPTER 139.

"An Act to provide for the creation, organization, and classification of new counties; for locating county seats; for the election and appointment of officers; for the adjustment and fulfillment of the rights and obligations arising between such new counties and other counties; and providing penalties for the violation thereof; and to repeal Chapter 112 of the Session Laws of the Twelfth Legislative Assembly of 1911, and Chapter 133 and Chapter 135 of the Session Laws of the Thirteenth Legislative Assembly of 1913."

Be it enacted by the Legislative Assembly of the State of Montana:

Formation of new counties.

Section 1. New counties may from time to time be formed and created in this State from portions of one or more counties, which shall have been created and in existence for a period of more than two years, in the manner set forth and provided in this Act; Provided, however, that no new county shall be established which shall reduce any county to an assessed valuation of less than Eight Million Dollars, inclusive of all assessed valuation as shown by the last preceding assessment; nor shall any new county be formed which contains an assessed valuation of property less than Five Million Dollars, inclusive of all assessed valuation as shown by the last preceding assessment, of the county or counties from which such new county is to be established, nor shall any line thereof pass within twenty miles of the boundaries of the county seat of the county sought to be divided; provided, that such county line may be run within a distance of ten miles of a county seat in cases where the natural contour of the country, by reason of mountain ranges or other topographical conditions, are such as to make it difficult to reach the county seat, and in such cases a petition signed by at least sixty-five per cent of the voters in the proposed new county shall be presented to the Judge of the District Court in which the county affected is located, asking for the appointment of a commission of five disinterested persons who shall determine if the topographical conditions are such as to warrant the fixing of the county division lines closer than at twenty miles from the county seat, as such boundaries are legally fixed and determined at the date of the filing of the petition or petitions referred to in Section 2 of this Act.

May not be formed when valuation of any existing county reduced to less than what amount.

Minimum assessed valuation to be possessed by new county.

No line thereof shall pass within less than 20 miles of county seat of another county.

Exceptions to above provision.

Petition to be presented to District Judge.

Debts and assets to be pro-rated between old and new counties.

Every county which shall be enlarged or created from the territory taken from any other county or counties shall be liable for a pro rata proportion of the existing debts and liabilities of the county or counties from which such territory shall be taken, and shall be entitled to a

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pro rata proportion of the assets of the county or counties from which such territory is taken, to be determined as hereinafter provided.

Petition for creation of new county to be presented to whom.

Section 2. Whenever it is desired to divide any county or counties and form a new county out of a portion of the territory of such then existing county or counties, a petition shall be presented to the Board of County Commissioners of the county from which the new county is to be formed in case said proposed new county is to be formed from but one county; or to the Board of County Commissioners of the County from which the largest area of territory is proposed to be taken for the formation of such new county, in case said new county is to be formed from portions of two or more existing counties; and such

Powers of boards of county commissioners.

Board of County Commissioners shall be empowered and have jurisdiction to do and perform all acts provided for to be done or performed in this Act, for each of the several counties from which any proposed territory is to

Copies of all orders and proceedings to be certified to whom.

be taken, and shall direct that a certified copy of all orders and proceedings had before such Board of County Commissioners shall be certified by the County Clerk to the Board of County Commissioners of each of the several counties from which any territory is taken by the proposed

Duty of officers of several counties.

new county; and all officers of any such county from which any territory is taken by the proposed new county shall comply with the orders of the Board of County Commissioners in the same manner as if said order had been duly made by the Board of County Commissioners of each respective county from which territory is proposed to be

Number of signatures required upon petition.

taken. Such petition shall be signed by at least sixty-five per cent of the qualified electors of the proposed new county, whose names appear on the official registration books and who are shown thereon to have voted at the last general election preceding the presentation of said petition to the Board of County Commissioners as herein provided; provided, that in cases where the proposed new county is to be formed from portions of two or more

Separate petitions to be presented when, and number of signatures to be required.

existing counties, separate petitions shall be presented from the territory taken from each county; and each of said separate petitions shall be signed by at least sixty-five per cent of the qualified electors of each of said proposed portions. Such signatures need not all be appended to one paper but may be signed to several petitions which must be similar in form, and when so signed the several petitions may be fastened together and shall be treated and presented as one petition.

Such petition or petitions shall contain:

1. A particular description of the boundaries of the proposed new county.

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Contents of petitions.

2. A statement that no line thereof passes within twenty miles of the outer boundaries of the county seat of any county proposed to be divided, except as hereinbefore in this Act provided.

3. A statement of the assessed valuation of such proposed county as shown by the last preceding assessment, inclusive of all assessed valuation.

4. A statement of the surveyed area in square miles which will remain in the county or counties from which territory is taken to form such new county, after such county is formed.

5. The name of the proposed new county.

6. A prayer that such proposed new county be organized into a new county under the provisions of this Act.

Affidavits to be attached.

There shall be attached to and filed with said petition or petitions the affidavit of three qualified electors and taxpayers residing within each county sought to be divided, to the effect that they have read said petition and examined the signatures affixed thereto, and they believe that the statements therein are true, and that it is signed by at least sixty-five per cent of the qualified electors, as herein provided, of the proposed new county, or of the proposed portion thereof, taken from each existing county, where the proposed new county is to be formed from portions of two or more existing counties; that the signatures affixed thereto are genuine; and that each of such persons so signing was a qualified elector of such county therein sought to be divided, at the date of such signing. Such petition or petitions so verified and the verification thereof shall be accepted in all proceedings permitted or provided for in this Act, as prima facie evidence of the truth of the matters and facts therein set forth. Upon the filing of such petition or petitions and affidavit with the Clerk of the said Board of County Commissioners, said clerk shall forthwith fix a date to hear the proof of the said petitions and of any opponents thereto, which date must be at the next regular quarterly meeting subsequent to the filing of such petition with the clerk of said Board. The County Clerk shall also at the same time designate a newspaper of general circulation published in the old counties, but not within the proposed new county, and also a newspaper of general circulation published within the boundaries of the proposed new county, if there be such, in which the said County Clerk shall order and cause to be published at least once a week for two weeks next preceding the date fixed for such hearing, a notice in substantially the following form:

Contents of affidavits.

Petition and affidavits to be prima facie evidence of what.

Time for hearing petition to be fixed.

Designating newspaper in which notice to be published.

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NOTICE

Form and contents of notice.

Notice is hereby given that a petition has been presented to the Board of County Commissioners of.....County (naming the county represented by the Board of County Commissioners with which said petition was filed), praying for the formation of a new county out of portion of the said.....County and .....County (naming the county or counties of which it is proposed to form the new county), and that said petition will be heard by the said Board of County Commissioners at its place of meeting (designating the city or town and the day and hour of the meeting so to be held), when and where all persons interested may appear and oppose the granting of said petition and make any objections thereto.

Dated..... at .....Montana.

.....County Clerk.

Petitioners shall give bond to pay expenses.

Said petitioners shall, on or before the date fixed for said hearing, or on or before the date to which said hearing may have been adjourned, file with said Board of County Commissioners a bond to be approved by said Board, in the amount of Five Thousand Dollars ($5,000.00) payable to the county in which said petition is filed, conditioned that the obligators named in said bond will pay to said county all expenses incurred in the proceedings and election provided for in this Act, not exceeding the amount specified in said bond, in the event that at the election herein provided for more than thirty-five per cent of the votes cast at said election are "for the new county of.....(naming the proposed new county)" "No."

Condition of bond.

County commissioners to proceed with hearing when.

At the time so fixed for said hearing, the Board of County Commissioners shall proceed to hear the petitioners and any opponents upon the petition or protests filed on or before the time fixed for the hearing. No petition, or protest, or petition for the exclusion of territory shall be considered unless the same is filed on or before the time fixed for the hearing, and the Board of County Commissioners may adjourn such hearing from time to time, not exceeding fourteen days in all, and shall receive the proofs to establish or controvert the facts set forth in said petition or petitions. No withdrawals of signatures to the original petition for the creation of a proposed county shall be filed or considered which have not been filed with the County Clerk on or before the date fixed for the hearing. No withdrawals of any signature from the petition for the exclusion of territory shall be received or considered which is not filed within three days after the filing of the petition for such ex-

Adjournments from time to time.

Withdrawal of signatures not to be considered unless filed within what time.

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clusion of territory, and not more than one withdrawal of any signature from any petition shall be permitted, granted, or considered. Any person filing a withdrawal of his signature from the original petition for the creation of said county, or from the petition for the exclusion of territory, shall be considered and counted by the Board of County Commissioners as being opposed to the creation of said county.

Who deemed opposed to creation of county.

The Board of County Commissioners on the final hearing of such petition of petitions shall, by a resolution entered on its minutes, determine:

What commissioners shall determine.

1. The boundaries of the proposed new county and the boundaries so determined by said Board of County Commissioners shall be the boundaries of such proposed new county, if it be created as herein provided.

2. Whether the said petition contains the genuine signatures of at least sixty-five per cent of the qualified electors of the proposed new county as herein required, or in cases where separate petitions are presented from portions of two or more existing counties as herein required, whether each petition is signed by at least sixty-five per cent of the qualified electors of that portion of each of such existing counties which it is proposed to take into the proposed new county.

3. Whether any line of the proposed new county passes within twenty miles of the county seat of any county proposed to be divided, except as hereinbefore in this Act provided.

4. Whether the proposed new county will contain property, according to the last preceding assessment, which will equal in amount at least Five Million Dollars ($5,000,000.00), inclusive of all assessed valuation.

5. Whether the area of any existing county from which territory is taken to form such new county will be reduced to less than Twelve Hundred (1200) square miles of surveyed land, by taking the territory proposed to be taken therefrom to form such new county.

6. The class to which said proposed new county after its creation will belong and the name of said proposed new county, as stated in such petition.

7. Whether the area embraced within the proposed new county will be reasonably compact.

When commissioners, on final hearing, may change proposed boundaries.

On the final hearing the Board of Commissioners, upon petition of not less than fifty per cent of the qualified electors (as shown by the official registration books on the day of the filing of any such petition) of any territory lying within said proposed new county and contiguous to the boundary line of the said proposed new county and of the old county from which such territory is proposed to

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be taken, and lying entirely within a single old county and described in said petition, asking that said territory be not included within the proposed new county, must make such changes in the proposed boundaries as will exclude such territory from such new county, and shall establish and define such boundaries; provided, that if any change or changes so made shall result in reducing the valuation of the proposed new county to less than an assessed valuation of five million dollars, inclusive of all assessed valuation, then such new county shall not be created or organized; and provided further, that no change shall be made which shall leave the territory so excluded separate and apart from and without the county of which it was formerly a part; petitions for exclusion shall be disposed of in the order in point of time in which they are filed with the Clerk of the Board of County Commissioners, and on final determination of boundaries no changes in the boundaries originally proposed shall be made except as prayed for in said petition or petitions, or to correct clerical errors or uncertainties.

New counties shall not be created, when.

Excluded portion not to be left separate and apart from old county.

How petition for excluding territory shall be disposed of.

Duties of board of county commissioners, when findings justify the creation of proposed new county.

Section 3. If the said Board of County Commissioners determine that the formation of said proposed new county will not reduce any county from which any territory is taken to an assessed valuation of less than Eight Million Dollars ($8,000,000.00), inclusive of all assessed valuation, nor the area thereof to less than Twelve Hundred (1200) square miles of surveyed land, and that the proposed new county contains property of an assessed valuation of at least Five Million Dollars ($5,000,000.00), inclusive of all assessed valuation, and that no line of said proposed new county passes within twenty miles of the outer boundaries of the county seat of any county proposed to be divided, except as hereinbefore in this Act provided, and that said petition contains the genuine signatures of at least sixty-five per cent of the qualified electors of the proposed new county, or in cases where separate petitions are presented from portions of two or more existing counties (as herein required), that each of said petitions contain the genuine signatures of at least sixty-five per cent of the qualified electors of that portion of the proposed new county from which it is taken, then the said Board of County Commissioners shall divide the proposed new county into a convenient number of township, road, and school districts and define their boundaries and designate the names of such districts. Said Board of County Commissioners shall also, if necessary for the purpose of the election hereinafter provided for, change the boundaries of the election precincts in said old county or counties to make the same conform to the boundaries of the proposed new county;

Division of new county into township, road and school districts.

Change of boundaries of election precincts, when.

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provided, that the boundary lines of no such precinct shall extend beyond the boundary lines of the then existing county in which it is located and from which the territory is proposed to be taken; and said Board shall appoint election officers to act at said election and to be paid by said Board. Within two weeks after its determination of the truth of the allegations of said petition as aforesaid, the said Board of County Commissioners shall order and give proclamation and notice of an election to be held on a specified day in the territory which is proposed to be taken for the new county, not less than ninety days nor more than one hundred and twenty days thereafter, for the purpose of determining whether such territory shall be established and organized into a new county; and for the election of officers and location of a county seat therefor, in case the vote at such election shall be in favor of the establishment and organization of such new county. All qualified electors residing within the proposed new county who are qualified electors of the county or counties from which territory is taken to form such proposed new county, and who have resided within the limits of the proposed county for a period of more than six months next preceding the day of election, and who are registered under the provisions of the registration laws of the State, shall be entitled to vote at said election. Registration and transfers of registration shall be made and shall close in the manner and at a time provided by law for registration and transfers of registration for a general election in the State of Montana. Such proclamation and notice of election shall be published at least once a week for three weeks before the holding of such election, in some newspaper of general circulation published in the territory which is proposed to be taken for the new county, and a copy thereof shall be mailed immediately by the County Clerk of the county in which the petition is filed to the County Clerk of each county from which territory is taken for the proposed new county. Such proclamation and notice shall require the voters to cast ballots which shall contain the words, "For the new county of..... (giving the name of the proposed new county)" "Yes," and "For the new county of ..... (giving the name of the proposed new county)" "No," and each voter desiring to vote for the establishment and organization of said new county shall mark a cross (X) opposite the words, "For the new county of....." "Yes" in the manner now required by law in other elections, and each voter desiring to vote against the establishment and organization of said new county shall mark

Appointment of election officers.

Proclamation of election to be made within what time.

Who may vote at election.

Registration.

Publication of proclamation of election.

Copies to be mailed to whom.

Proclamation and notice shall require what.

Manner of marking ballots.

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a cross (X) opposite the words, "For the new county of .....""No" in the manner now required by law in other elections; and shall also contain the names of persons to be voted for to fill the various elective offices designated in said proclamation for counties of the class to which said proposed county will belong, as determined by the Board of County Commissioners as herein directed and in the manner provided by law, except as herein otherwise provided. There shall also be printed upon said ballot the words, "For the county seat," and the names of all cities or towns which may have been incorporated under the laws of the State for a period of one year preceding the day of the filing and presentation of the original petition, and which may have filed with the County Clerk a petition signed by at least twenty-five qualified electors, nominating any city or town within the proposed new county for the county seat, and the voter shall designate his choice for county seat by marking a cross (X) opposite the name of the city or town for which he desires to cast his ballot. At a special election to be held, as provided in this Act, the question of the election of the county seat is hereby provided to be submitted to the qualified electors of the proposed new county, and the majority of all the votes cast therefor shall determine the election thereon. In case any city or town fails to receive a majority of all the votes cast, then the city or town receiving the highest number of all votes cast shall be designated as the temporary county seat, and in case any city or town is not the choice of the election for the county seat by a majority of all votes cast, the question of choice between the two incorporated cities or towns for which the highest number of votes shall have been cast, shall be submitted in like manner to the qualified electors at the next general election thereafter. When the county seat shall have been selected as herein provided, it shall not thereafter be changed except in the manner provided by law.

Ballots shall contain names of persons to be elected to office.

Also names of places to be voted for as county seat.

Designating choice for county seat.

Temporary county seat.

If no choice is made for county seat the question is to be re-submitted when.

The proclamation calling the election and the notice thereof provided for in this Act shall be made and given exclusively by the Board of County Commissioners with which is filed the said petition for the formation and establishment of such new county and such Board shall cause the Clerk of said county to furnish to the officers of each precinct in such proposed new county all ballots, poll lists, tally lists, registers for voter's signatures, ballot boxes, and other election supplies and equipment necessary to conduct such election and which are not hereinafter specifically directed to be furnished by the Clerk of another county or counties. Such election shall be

Proclamation and notice calling election to be issued and given by whom, only.

Tally sheets, poll lists, etc., to be furnished by county clerk.

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governed and controlled by the general election laws of the State, so far as the same shall be applicable, except as herein otherwise provided. The returns of all elections for officers and for location of the county seat as provided for in this Act, shall be made to and canvassed by the Board of County Commissioners of the county from which the largest area is taken by the proposed county.

Election to be controlled and governed by general election laws.

Returns and canvassing of votes.

The County Clerk of each county from which territory is taken for the proposed new county shall not less than five days before the date of such election furnish to each board of election within said proposed new county, the book of affidavits of registration for the precincts of such proposed new county as are within their respective counties, and the copies of indexes thereof required by law, containing the names of all persons who were qualified electors at the last general election before the date of such election.

Duty of county clerks as to records necessary for election.

All returns of election herein provided for shall be made to the Board of County Commissioners calling such election.

All returns to be made to whom.

All nominations of candidates for the offices required to be filled at said election shall be made in the manner provided by law for the nomination of candidates for all general state elections.

Filing of nominations for election.

The provisions of the election laws relating to preparation, printing, and distribution of sample ballots, except the provisions of said laws relating to primary elections in this State, shall have application to any election provided for in this Act.

Application of laws relating to ballots and primary election.

Section 4. If upon the canvass of the votes cast at such election it appears that sixty-five per cent of the votes cast where the proposed new county is formed from one existing county, or that sixty-five per cent of the votes cast in the territory taken from each county where the proposed new county is formed from two or more existing counties are, "For the new county of.....
"Yes," the Board of County Commissioners shall by a resolution entered upon its minutes declare such territory duly formed and created as a county of this State, of the class to which the same shall belong, under the name of .....County, and that the incorporated city or town receiving the highest number of votes cast at said election for county seat shall be the county seat of said county until removed in the manner provided by law, and designating and declaring the persons receiving respectively the highest number of votes for the several offices to be filled at said election, to be duly elected to such offices. Said Board shall forthwith cause a copy of its said resolution, duly certified, to be filed in the office

Per cent of votes necessary for creation of new county.

Resolution to be passed and entered by county commissioners in case proposed new county carries.

County seat.

Officers elected.

Copy to be filed in office of secretary of state.

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When county deemed to be created and organized.

When officers entitled to enter upon the discharge of duties.

Certificates of election.

of the Secretary of State, and ninety (90) days from and after the date of such filing said new county shall be deemed to be fully created, and the organization thereof shall be deemed completed, and such officers shall be entitled to enter immediately upon the duties of their respective offices upon qualifying in accordance with law and giving bonds for the faithful performance of their duties, as required by the laws of the State. The Clerk of the Board of County Commissioners with which said petition was filed, as herein provided, must immediately make out and deliver to each of said persons so declared and designated to be elected, a certificate of election authenticated by his signature and the seal of the said Board of County Commissioners. The persons elected members of the Board of County Commissioners and the County Clerk shall immediately, upon receiving their certificates of election, assume the duties of their respective offices.

Office rooms and supplies. Power of county commissioners.

Terms of office.

The Board of County Commissioners shall have authority to provide a suitable place for the county officers and to purchase such supplies as may be deemed necessary for the proper conduct of the county government. All other officers take office ninety (90) days after the filing of the resolution herein provided for with the Secretary of State. All the officers elected at said election, or appointed under this Act, shall hold their offices until the time provided by general law for the election and qualification of such officers in this State and until their successors are elected and qualified, and for the purpose of determining the term of office of such officers, the years said officers are to hold office are to be computed respectively from and including the first Monday after the first day of January following the last preceding general election.

Vote against proposition—Effect.

If, however, upon such canvass it appears that more than thirty-five per cent of the votes cast at said election where the proposed new county is formed from one existing county, or that more than thirty-five per cent of the votes in the territory taken from any county, where the proposed new county is formed from two or more existing counties, are, "For the new county of....." "No," the Board of County Commissioners canvassing said vote as provided herein shall pass a resolution in accordance therewith and thereupon the proceedings relating to division of such county or counties shall cease; and no other proceedings in relation to any other division of said old county or counties shall be instituted for at least two years after such determination.

No other proceedings for divisions of county or counties to be had until when.

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What officers to be elected at election provided for in section three of Act.

Section 5. At the election provided for in Section 3 of this Act there shall be chosen such county, township, and district officers as are now or may hereafter by general law be provided for in counties of the class to which the said new county is determined to belong, as herein provided; provided, that all duly elected, qualified, and acting officers of the county or counties, who may reside within the proposed new county, shall be deemed to be officers of said new county if they file with the Board of County Commissioners, whose duty it shall be to call the election, within five days after the final hearing and determination of said petition for such proposed new county, their intention to become officers of said proposed new county and the Board of County Commissioners issuing the proclamation of any election, as in this Act provided, shall omit providing for the election of any such officers as may have filed their declaration as herein provided; and provided, also, that all duly elected, qualified, and acting justices of the peace and constables residing within the proposed new county at the time of the division of such county into townships, as hereinbefore in Section 3 hereof provided, shall hold office as such justices of the peace or constables in said county for the remainder of the term for which they were elected on qualifying as justices of the peace or constables for the respective townships in which they reside, when said townships are organized as provided in this Act; provided further, that all duly elected, qualified, and acting school trustees residing within the proposed new county at the time of the division of such county into school districts, as hereinbefore in Section 3 hereof provided, shall hold office as school trustees in said new county for the remainder of the term for which they were elected on qualifying as school trustees for the respective districts in which they reside, as said districts are organized as provided by this Act. Each person elected or appointed to fill an office of such new county under the provisions of this Act shall qualify in the manner provided by law for such officers, except as herein otherwise provided, and shall enter upon the discharge of the duties of his office within such time as herein provided, after the receipt of the certificate of his election. Each of such officers may take the oath of office before any officers authorized by the law of the State of Montana to administer oaths, and the bond of any officer from which a bond is required shall be approved by any Judge of the District Court of the district to which such new county is attached for judicial purposes. The officers elected or appointed under the provisions of this Act shall each perform the duties and

Who deemed officers of new county.

Proviso.

Existing justices of the peace and constables to continue in office until terms expire.

School trustees also to continue in office until when.

Officers shall qualify.

Oath of office and official bond.

Duties and compensation of officers.

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receive the compensation now provided by general law for the office to which he has been appointed or elected in the counties of the class to which such new county shall have been determined to belong, as herein provided under the general classification of counties in this State.

New county to be part of what judicial district.

Said new county when created and organized in pursuance of the provisions of this Act shall be attached to such judicial district as may be designated by the Governor of the State of Montana, in a proclamation to be issued by him, designating such new county as attached to the particular judicial district for judicial purposes.

County commissioners of new county shall meet, qualify and organize, when.

To notify Governor.

Governor shall appoint commission to adjust indebtedness of old and new counties.

Commissioners shall meet at county seat of new county, when.

Quorum.

Commission to have power to compel attendance of witnesses and the production of evidence.

Section 6. It shall be the duty of the persons elected to or continuing to hold the office of county commissioners of said new county to meet at the county seat thereof within five days after all of them shall have qualified, and upon organization of said Board of County Commissioners it shall notify the Governor of the State of the organization of said county, and thereupon it shall be the duty of the Governor to appoint three persons, one of whom shall be a resident and a taxpayer within the new county and no two of whom shall be from any one county; the three persons so appointed shall form and be a Board of Commissioners. Such Commissioners shall, within ten days after the notice of the appointment, meet at the county seat of the new county and organize by electing from their number a chairman, and also elect a secretary who must not be a member of said Commission. Thereafter such Commission may meet at such place or places as it may select. A majority of such Commissioners shall constitute a quorum for the transaction of business. Said Commission shall have power to compel by citation or subpoena, signed by their president and secretary, the attendance of such persons and the production of such books and papers before said Commission as may be required in the performance of the duties imposed by this Act, except that the official records of any county or counties from which said new county was formed shall in no case be taken from the county seat of said county.

Duty of sheriff.

Sheriff's fees.

It shall be the duty of the sheriff of any county to execute in his county all lawful orders and citations of the said Commission; and for any services so performed the sheriff shall be allowed the same fees as are allowed to him for services in civil actions; and all witnesses attending before said Commission shall be entitled to the same compensation and mileage as is allowed to witnesses in courts of record; provided, that no witness shall be excused from attendance at the time and place mentioned in said order or citation by reason of the failure of the officer making

Compensation and mileage of witnesses.

Mileage fees need not be advanced to witnesses.

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such service to tender to such witness his fees and mileage in advance.

Duties of commissioners to adjust indebtedness, regarding election costs.

Section 7. Said Board of Commissioners shall immediately after its organization ascertain the costs of the election held hereunder, and apportion the same pro-rata among each of the counties from which territory was taken to form such new county; shall ascertain the indebtedness of each county from which territory was taken to form the new county, as the same existed at the time when the result of the election was declared by the Board of County Commissioners, as hereinbefore provided, and also ascertain the total value of all property at the time belonging to each of said counties from which territory was taken and situated within the limits of said old counties, respectively. It shall also ascertain the assessed value of all property in each of the original old counties from which territory was so taken, according to the last completed assessment made for said county, and also the assessed value, under the same assessment, of all property within the territory of the new county which shall have been taken from the old county or counties from which said new county was formed. They shall then find the difference between the amount of the indebtedness of the old county and the value of the property belonging to the old county at the date of the declaration of the result of said election, as hereinbefore provided, and if such indebtedness exceeds the value of such property belonging to the old county, the new county shall pay to the old county a due proportion thereof to be determined as follows:

To ascertain indebtedness of the counties.

Also total value of the property.

Also assessed valuation of all property in the old county or counties.

Also value of property within the new county.

Adjustment of indebtedness between the counties.

"As said assessed value of the property in the old county is to the said assessed value of the property in the territory provided by this Act to be incorporated within the new county from said old county, so is the amount of said excess to the amount to be paid by said new county to said old county."

Method of determining amount, if any, to be paid by new county.

Said Board of Commissioners shall certify forthwith to the Board of County Commissioners of the new county and the old counties thereby affected, the amount constituting the due proportion of said excess payable by such new county to each of them; also the value of any property belonging to each old county at the time when said division took effect (as hereinbefore provided) which is situated in the new county. The sum of said ascertained value of said last mentioned property added to the ascertained proportion of said excess which the new county is to pay to the old county, and its proportion of the expense of said election as aforesaid, shall be an indebtedness from the new county to the old county, and the said

Certificate of commissioners; contents of.

What constitutes indebtedness of new county to the old county, or counties.

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Property of new county.

Indebtedness to be paid by old county.

Expense of election to be paid, how.

Like proceedings to be had in adjustment of indebtedness between the new and each old county.

Taxes to be levied in new county to pay adjusted indebtedness to old counties, if any.

May be paid, how.

Indebtedness due from old to new county, how to be paid.

Value of county property—What to be taken into consideration.

Delinquent taxes due to old county collected in new county.

Compensation for commissioners.

Actual expenses incurred.

property situated as aforesaid in the new county shall upon settlement therefor, as provided in this Act, become the property of the new county; and the old county shall pay the entire indebtedness against it, and the expense of said election shall be paid by the county calling such election, and any other county affected thereby shall pay its proportion thereof, as hereinbefore provided. The proceedings in this section required to be taken in the ascertainment and adjustment of property rights and debts shall be had and taken as between said new county and each of the counties from which territory is taken to form said new county, in the manner and at the ratio in said section provided. If upon the settlement between the old and new county as herein provided for, the new county shall be found to be indebted to the old county, or either of the old counties, the money necessary to pay said indebtedness shall be raised by a tax levied upon the property contained in said new county, and said new county shall pay the same; provided, however, that such payment by said new county may be made in not more than three equal annual payments, or by funds to be derived from the sale of bonds of said new county, as may be determined by a resolution of the Board of County Commissioners of said new county, adopted within one year after the receipt of the statement from the Board of Commissioners as aforesaid of the amount or amounts due from it. If the value of the property belonging to the old county exceeds the indebtedness of the old county, then the old county shall pay to the new county a due proportion of such excess, which proportion shall be determined by the Board of Commissioners and shall be paid by the old county to the new county in the same manner and subject to the same conditions herein provided for payment by the new county to the old county, when the indebtedness of the old county exceeds the value of the property in the old county. In the determination of the value of county property all buildings and their furniture, real estate, road tools, and machinery and all steel bridges which may have been constructed and in use for a less period than ten years, shall be taken into consideration by the said Commissioners.

Delinquent taxes due to the old county against property situated in the new county shall be transcribed in and collected by the new county.

Section 8. Members of the Board of Commissioners provided for under this Act shall receive a compensation of not to exceed Eight Dollars ($8.00) per day for every day they are actually employed under the provisions of this Act, together with their actual expenses incurred in

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the performance of their duties, and the Clerk of said Board shall receive as compensation for his services not to exceed Five Dollars ($5.00) per day for every day that he is actually employed under the provisions of this Act, all of which expenses, together with the reasonable expenses of stationery, postage, and incidental expenses, shall be borne in equal proportions by the counties affected by such division, including said new county and the amounts payable by each county shall be paid by the Treasurers of the respective counties, after the same shall have been presented to and allowed by the Board of County Commissioners, as is provided by law for claims against any county.

Compensation for clerk of board.

How expenses to be paid.

Section 9. After the creation of a new county, as herein provided, its officers shall proceed to complete all proceedings necessary for the assessment or collection of the State and county taxes for the then current year, and all acts and steps theretofore taken by the officers of the old county or counties prior to the creation of the new county shall be deemed and taken as having been performed by the officers of the new county for the benefit of the new county; and upon the creation of the new county it shall be the duty of the officers of the old county or counties to immediately execute and deliver to the Board of County Commissioners of such new county copies of all assessments or other proceedings relative to the assessment and collection of the current State and county taxes of property in such new county. Such copies shall be filed with the respective officers of the new county who would have the custody of the same if the proceeding had been originally had in the new county, and such certified copies shall be taken and deemed as originals and original proceedings in the new county, and all proceedings therein recited shall be taken and deemed as original proceedings in the new county, and shall have the same effect as if the proceedings therein stated had been had at the proper time and in the proper manner by the respective officials of the new county; and the officials of the new county are hereby authorized and directed to proceed thenceforth with the assessment and collection of said taxes as if the proceedings originally had in the old county or counties had been originally had in the new county.

Duty of officers of new county in collecting, assessing and taxes.

Duty of officers of old county regarding taxation.

Filing of certified copies of assessment, etc.

To be taken and deemed as original proceedings in new county.

Officials of new county to collect taxes.

Section 10. The County Superintendent of Schools of the old county or each of the old counties, respectively, shall furnish the County Superintendent of Schools of the new county with a certified copy of the last school census of the different school districts in the territory set apart to form the new county, and shall certify to

Copies of school census to be furnished by and to whom.

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the Board of County Commissioners the amount due; and said Board shall order a warrant drawn on the Treasurer of the old county in favor of the Treasurer of the new county, for all the money that is or may be due by any apportionment or otherwise to the different school districts embraced in the new county from his county; and the County Treasurer shall certify to the County Commissioners the amount due in the different road funds, and the County Commissioners shall order a warrant drawn on the treasurer of their county in favor of the new county for all money that is or may be due by apportionment or otherwise to the different road and district funds in the territory set apart to form the new county from their county, which said amounts shall be properly credited in both counties. And whenever in the formation of a new county a road or school district has been divided, the Board of County Commissioners shall by resolution direct the Treasurer to transfer the proper proportionate amount of the money remaining in the fund of such district to the Treasurer of the new county.

Duty of county treasurer regarding road funds.

When road district has been divided.

Section 11. The Board of County Commissioners of any new county formed as aforesaid must provide suitable books and have transcribed from the records of the old county or counties all such parts thereof as relate to or effect property, or the title thereof, situated in the new county, and said records when so transcribed and certified, as herein provided, shall have the same force and effect as such original records; the said County Commissioners shall have full power and authority to contract for transcribing of records as now provided by law; providing, that all chattel mortgages, renewals of chattel mortgages, articles of incorporation, contract notes, sheriff certificates of sale, liens, and original affidavits of registration which may affect or relate to property or persons situate within the new county, shall be by the County Clerk of the old county delivered to the County Clerk of the new county and be preserved by said County Clerk of the new county as permanent files of such new county.

Duty of county commissioners regarding transcribing of records, and supplies therefor.

Force and effect of certified transcribed records.

What original papers to be delivered to clerk of new county.

Section 12. All actions pending in the District Court of the old county or counties for the recovery of the possession of, quieting the title to, or for the enforcement of liens upon, or any other actions affecting real estate lying in the new county shall, on motion of any party thereto, be transferred to the District Court to which the new county may be attached for judicial purposes, and thereafter shall be subject to the same laws as if said action had been originally brought in the District Court of the new county. All other actions or special proceed-

Transfer of pending actions in district court concerning real estate in new county.

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ings pending in the District Court or Courts of said old county or counties, if said new county had been in existence at the date in which it is pending and on motion of any party interested therein shall be transferred to the District Court of such new county.

Transfer of other actions and proceedings.

Section 13. Whenever in this Act publication of any notice is provided for and no newspaper of general circulation is published within the territory in which said notice is required to be published, notice shall be given by posting copies of such notice in at least ten public places in such territories for the same length of time said notice was required to be published.

When publication required by Act may be had by posting of notice.

Section 14. The territory within the limits of any new county, until otherwise provided by law, shall be entitled to representation in the State Senate by one State Senator; and to representation in the House of Representatives by one member of the House of Representatives.

State senator and member of the house of new county.

Section 15. Any member of the Board of County Commissioners or any other officer who unlawfully and knowingly violates any of the provisions of this Act, or fails to perform any duty imposed upon him hereunder, shall be guilty of a misdemeanor and of malfeasance in office, and shall be deprived of his office by a decree of a Court of competent jurisdiction, after trial and conviction.

Misdemeanor and malfeasance in office.

Guilty officer to be deprived of office.

Section 16. All Acts and parts of Acts in conflict herewith are hereby repealed, with the exception: "This Act shall not apply in any case whereby the election has been held under the Act passed by the Thirteenth Legislative Session for the creation of counties and a majority vote has been cast in favor thereof," but the provisions of this Act shall be deemed in full force and effect so far as they may effect any proposed new county now in process of creation, unless said new county can comply with the requirements of this Act; and it is hereby made the duty of the Board of County Commissioners which may have ordered any election in pursuance of existing laws, to immediately make an order annulling and setting aside all further proceedings in relation to such proposed new county, including an order to nullify and set aside any election order theretofore made; provided, if any order is made nullifying and setting aside any election as provided in this Section, any bond which may have been given in pursuance with the provisions of law relating to the costs of the election for the creation of any proposed new county shall be deemed void, and no liability shall be incurred thereunder.

Repealing clause.

Saving clause.

Effect of Act on proposed new counties.

Section 17. This Act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1915.

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CHAPTER 140.

"An Act to amend Sections One and Three of Chapter 68 of the Montana Session Laws of 1913, relating to the compensation of owners of live stock afflicted with communicable or contagious diseases when said live stock is killed according to law."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Sections One and Three of Chapter 68 of the Montana Session Laws of 1913 be amended so as to read as follows:

Compensation to owners of slaughtered diseased live stock.

Section 1. That owners of cattle, horses, mules, sheep, asses, goats, ruminants, and swine afflicted with any communicable or contagious disease that shall hereafter be killed, as prescribed by law, shall have recompense therefor as herein provided.

Section 3. When the State Veterinarian, or his deputy, or the State Live Stock Board, has deemed it advisable to slaughter such animals, as provided by law, the valuation of such animals so ordered to be killed shall be

Valuation of animals ordered killed.

the actual full assessed valuation thereof as shown on the last assessment roll of the county in which such stock was assessed; but such assessment shall not in any case exceed the actual value of such stock at the time of such

Valuation of unassessed stock.

assessment, and where such stock does not appear on the last assessment roll of the county, then its value shall be the minimum value as found on the last assessment roll for that class of stock of the county in which such stock

Limit of valuation.

is owned. The value of any animal shall not exceed the sum of Five Hundred Dollars, nor shall any compensation be paid for any stock whose owner has intentionally

What stock not to be paid for.

evaded the taxation thereof, nor for any stock that has not been in the State three months prior to the time the disease is discovered; provided, that where an epidemic is declared to exist by the State Live Stock Sanitary Board, the value of such stock ascertained as above, may be paid, although such stock has not been in the State

Exception to above provision.

for three months prior to such declaration, if it shall appear that the same was shipped into the State without fraud and under certificate of health of a recognized State or Federal Inspector, and if such payment is authorized by the Executive Committees of the various Stock Boards of the State, including the State Live Stock Sanitary Board, and approved by the State Board of Examin-

Rule where Federal Government makes compensation.

ers; provided, that in all cases where the federal government compensates the owner of livestock for any portion of the value thereof, such payment as has been made by, or is due from the federal government will be deducted from the payment herein provided.

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Section 2. All Acts and parts of Acts conflicting herewith are hereby repealed. Repealing clause.

Section 3. This Act shall be in full force and effect from and after its approval.

Approved March 9th, 1915.

CHAPTER 141.

"An Act to amend Chapter 72 of the Session Laws of 1913, the same being known as the General Highway Law and relating to the classification and permanent improvement of public highways."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Chapter 72 of the Session Laws of 1913 be amended to read as follows:

CHAPTER I.

Enumerations and Definitions.

Section 1. This Act shall be known as "The General Highway Law."

Section 2. Within the meaning of this Act a highway shall be deemed to include its necessary embankments, retaining walls, culverts, sluices and drains, and a bridge shall be deemed to include its approaches, abutments and piers. "Highway" deemed to include what.

Section 3. All highways, roads, lanes, streets, alleys, courts, places and bridges laid out or erected by the public or now traveled or used by the public, or if laid out or erected by others, dedicated or abandoned to the public, or made such by the petition of real property, are public highways. "Public Highways" defined.

Classification.

Section 4. Public Highways in this State shall hereafter be classed as Common Highways, Main Highways, and State Highways. All Highways which are not established or improved in the manner hereinafter provided for Main Highways, or State Highways, shall be Common Highways. Main Highways shall be such as are established or improved in the manner provided by Chapter IV of this Act. "Common Highways." "Main Highways."

Section 5. All Public Highways once established must continue to be public highways until abandoned by operation of law, or by judgment of a court of competent jurisdiction, or by order of the Board of County Commissioners of the County in which they are situated; but no order to abandon any main highway shall be valid unless preceded by due notice and hearing as provided in this Act; and no state highway can be abandoned except on Public highways to remain such until abandoned. Notice and hearing before abandonment. State highway, how abandoned.

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the joint order of the Board of County Commissioners and the State Highway Commission.

Width of public highways.

Section 6. The width of all public highways, except bridges, alleys, lanes, must be sixty (60) feet unless a greater or less width is ordered by the Board of County Commissioners on petition of the person interested. The width of all private highways and by-roads, except bridges, must be at least twenty (20) feet. Nothing in this Act must be construed as to increase or diminish the width of either kind of a highway already established or used as such.

Width of private highways and by-roads.

Requirement not applicable to established highways.

What interest public acquires in taking or accepting lands for highways.

Section 7. By taking or accepting land for a highway the public acquired only the right of way and the incidents necessary to enjoying and maintaining the same, subject to the regulations in this Act and the Civil Code provided.

CHAPTER II.

Taxation and Revenue.

Road tax levy.

Section 1. For the purpose of raising revenue for the construction, maintenance and improvement of public highways, the Board of County Commissioners of each County in this State shall annually levy and cause to be collected a general tax upon the taxable property in the County of not less than two mills, and not more than five mills on the dollar, which shall be payable to the County Treasurer with other general taxes. There is also established a general road tax of two dollars ($2.00) per annum on each male person over the age of twenty-one (21) years, and under the age of sixty (60) years, inhabitant within the County, and payable by each person liable therefor at any time within the year. The collection of these taxes shall be under the direction of the Board of County Commissioners; taxes from freeholders to be collected the same as other taxes, and from non-freeholders as Commissioners may direct. Provided, that the foregoing provisions of this section shall not apply to the incorporated cities and towns, which, by ordinance, provide for the levy and collection of a like general tax and a like special tax within such cities and towns for road, street, and alley purposes. All moneys collected under the provisions of this Act shall belong to the general road fund of the County.

Road tax established.

When tax due.

Provisions of this section not applicable to certain cities and towns.

Moneys collected hereunder to belong to county general road fund.

County may issue main and state highway bonds, when.

Section 2. Wherever in the judgment of the Board of County Commissioners of any County, it becomes necessary or advisable for the construction or improvement of any Main Highway or State Highway therein, to raise revenue in addition to that furnished by the taxes and licenses authorized by this Act, it shall be lawful for such Board to issue, on the credit of the county, coupon

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bonds to such amounts as said board may find necessary, provided that such bonds shall not, together with all other outstanding indebtedness of the County, exceed five per centum of the value of the taxable property within such county, to be ascertained by the last preceding general assessment therein and provided further that such proceedings be had prior to and in the issuance of such bonds, as is required in the case of other county bonds by Articles III and V of Chapter II, Title II, Part IV of the Political Code.

Limit of indebtedness.

Indebtedness to be ascertained, how.

Proceedings required in issuing bonds.

Section 3. Every employer having in his or its employment any person or persons liable for the special road tax of Two Dollars ($2.00) mentioned in this Act, must, on or before the third Monday of March in each year, and monthly thereafter until the first day of October, furnish to the County Treasurer a complete list of all the persons so employed and if any such employer shall neglect or refuse to furnish such list, he shall forfeit to the county, in which said road tax is collectable, the sum of Fifty Dollars ($50.00) to be recovered by an action brought in the name of the State in any Justice Court of said County, and the further sum of Fifty Dollars ($50.00) for each refusal or neglect to furnish such list after any demand shall have been made by the County Treasurer therefor. Upon the receipt of said lists it shall be the duty of said County Treasurer to furnish to said employer, furnishing such lists, printed special road tax receipt books with proper stubs containing memorandum of name, amount and date attached.

Lists of employees liable for road tax to be furnished county treasurer.

Penalty for refusing to furnish list.

Repeated refusal, effect.

Treasurer to furnish employer road tax receipt books.

Section 4. If any person required to pay the special road tax mentioned in this Act, does not pay the same and has no property subject to taxation, and the person owing the same is in the employment of any other person, the County Treasurer must deliver to the employer a written notice, stating the amount of tax due for such employee and from the time of receiving said notice the employer is liable to pay said tax, and the tax so paid may be deducted by such employer from the amount then due or to become due to such employee.

County treasurer to give employer written notice, when.

Liability of employer.

CHAPTER III.

Road Districts and Duties of Officers.

Section 1. The County Clerk must include in the minutes of the Board of County Commissioners all proceedings and orders of the Board relative to each highway within the County.

Duty of county clerk to include what in minutes.

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County commissioners have general supervision of highways.

Section 2. The Board of County Commissioners of the several counties of the State have general supervision over the highways within their respective counties.

Duties of county commissioners.

1. They must in their discretion, keep the County divided into suitable road districts; place each of such road districts in charge of a competent road supervisor and order and direct each of such supervisors concerning the work to be done upon the public highway in his district.

Plat books and contents thereof.

2. They must provide and order the County Surveyor, or if the County Surveyor is incompetent, some other competent surveyor designated by the Board, to prepare suitable plat books and have recorded therein a full description of every public highway within the County, showing each course by bearing and distance, with a full and complete map thereof, together with a record of all other proceedings with reference to the same.

Surveying and laying out highways.

3. They must cause to be surveyed, viewed, laid out, recorded, opened, worked and maintained, such highways as are necessary for the public convenience, as in this Act provided, and cause to be erected and maintained thereon guide posts, as provided in this Act.

Guide posts.

To abolish highways, when.

4. They must abolish or abandon in the manner provided in this Act such public highways as are not necessary for the public convenience.

To acquire hight-of-way for public highways.

5. They must contract, agree for, purchase or otherwise lawfully acquire, the right-of-way over private property for the use of public highways, and for that purpose institute, when necessary, proceedings under Title VII, Part III, of the Code of Civil Procedure, paying for such right-of-way from the General Road Fund of the county.

To issue bonds for main and state highway purposes, when.

6. They may, in their discretion, but subject to the limitations and provisions in the constitution and Revised Codes provided, issue bonds upon the faith and credit of the county for the construction or improvement of main highways, state highways and bridges.

To let by contract, the construction, maintenance of public highways, bridges, etc.

7. They may, in their discretion, but subject to the limitations and restrictions provided in the Revised Code for the letting of public contracts, let out by contract the construction, maintenance and improvement of the public highways, and the construction, maintenance or repairs of bridges, when the amount of work to be done exceeds the sum of One Thousand Dollars ($1000.00).

General powers to effect purposes of Act.

8. They may, in their discretion, cause to be done whatever may be necessary for the best interests of the roads and road districts of their several counties.

Reports to the state highway commission.

9. They must make such reports, relating to the county roads under their supervision, to the State Highway Commission as may be requested by said Commission.

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May employ road builders, salary.

10. They may, in their discretion, employ a competent road builder who shall be paid for his services not to exceed $7.00 per day; who shall serve during the pleasure of the Board; whose duty it shall be, under the direction and control of said Board, to prescribe the time and place, when and where, all work shall be done on the roads of the county; report any delinquency or any inefficiency of any road overseer or any other person employed upon such roads to the Board of County Commissioners and perform such other duties as may be prescribed by the said Board.

Duties of road builder.

May purchase necessary machinery.

Section 3. The Board of County Commissioners may also, in their discretion, out of the general road fund of the county, purchase and operate grading and rock-crushing machinery that they may deem necessary or desirable for the improvement of the public highways in the County, and may also acquire, out of the same fund, by purchase, condemnation, lease or gift, deposits or quarries of suitable road building material; and any crushed rock or gravel, not directly used or needed by such county in the construction, repair or maintenance of its roads, may be sold at not less than actual cost of production to any person, firm or corporation, desiring to use the same upon any public street or highway within the county and the proceeds of any such sale shall be paid into the general road fund.

May lease quarries, deposits, etc.

May sell what materials.

Term of office of road supervisors.

Section 4. Road supervisors, when appointed, shall serve during the pleasure of the Board of County Commissioners and shall in all things be under the direction and control of said Board. Every Road Supervisor must, before entering upon the duties of his office, be a resident elector of the road district for which he is appointed and must file with the County Clerk the customary oath of office, together with a bond approved by said Board for the faithful performance of his duties. As compensation for his services he shall receive not less than Two Dollars ($2.00) nor more than Four Dollars ($4.00) per day for eight hours labor, but the time taken in going to or from his home to the place of labor shall not be included within such period of eight hours.

Qualifications.

Oath of office and bond.

Compensation of road supervisor.

Duties of road supervisors.

Section 5. Road Supervisors when appointed and under the direction and the supervision of the Board of County Commissioners must:

Take charge of highways, bridges, etc.

1. Take charge of all highways, bridges and causeways within their respective districts; open all new roads when the same are duly established and ordered to be opened by the Board of County Commissioners; perform at the time and in the manner directed by the Board of

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County Commissioners whatever shall be lawfully directed by the Board concerning the public highways within their respective districts.

Quarterly reports.

2. Make and file with the County Clerk verified reports quarterly, or oftener if required by the County Commissioners, showing the number of days they have been employed during the previous three months and when and how employed; the number of days labor performed upon the public highways in their respective districts, when and by whom performed, the character and kind of work done and the wages agreed to be paid per day; the number of teams and implements and the amount, value and kind of material used, by whom and where used and the price agreed to be paid therefor; the number and character of all the tools and implements belonging to the county within their respective districts.

To keep accounts, of what.

3. Keep a correct account of all labor performed and animals, implements or material furnished by himself or others upon the public highways and give to persons performing such work or furnishing such animals, implements or materials, a certificate stating the number of days work performed, the character and kinds of such work and the price agreed to be paid therefor; and the number of days any animals or implements have been used and the price to be paid therefor and the amount and character of all materials furnished.

To give sertified statements of work done, materials, etc., furnished.

May employ laborers, teams, etc., and contract, when and for what purposes.

Section 6. Whenever it becomes necessary for any Road Supervisor, in the construction or repairing of any public highway in his district, to secure the assistance of other persons, he shall be empowered to employ suitable laborers, teams and implements, and to contract as to the price to be paid therefor, which must not exceed the rate of Four Dollars ($4.00) per day of eight hours for each person and Six Dollars ($6.00) per day of eight hours for man and team; but the time taken by such person or teams in going to and from the place of labor shall not be included within such period of eight hours.

Maximum prices to be paid for teams.

Time going and coming to work not included in day's work.

Duty of road supervisor in removing obstructions and repairing bridges.

Section 7. Whenever any public highway becomes obstructed from any cause, or any bridge need repairing or becomes dangerous for the passage of teams or travelers, the Board of County Commissioners, or the Supervisor of the Road District, if there be one, upon being notified thereof, must forthwith cause such obstruction to be removed, or bridge repaired, for which purpose such person as the Board of County Commissioners may designate or the Road Supervisor of the District may order out such number of inhabitants of the district as may be necessary to aid in removing such obstruction or repairing such

May order out necessary number of inhabitants.

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bridge; or if any person after three days' notice, whether said notice be oral or written, who being physically able to respond, shall fail to be present at the time and place designated, or who, having attended, refuses to obey the direction of the person in charge of the work, or passes his time in idleness, or inattention to the duty assigned him, shall be liable to punishment as for a misdemeanor. Provided, that every person responding to any such order and performing the duties assigned him, shall be compensated for his labor at the rate not to exceed Four Dollars ($4.00) per day for eight hours, the time taken in going to and from the place of labor, not included.

Misdemeanor for any person to refuse come after notice.

Compensation for work done under this section.

Section 8. The amount of expenditures in any road district for labor and teams together with the compensation to be paid to the supervisor, shall not exceed in the aggregate the sum apportioned quarterly by the Board of County Commissioners to such road district, but if such sum is not sufficient, said Board may appropriate from the General Road Fund any amount which may be necessary in their judgment for the use and benefit of such district. Provided that not less than fifty per cent of the taxes collected from each road district shall be expended annually by the County Commissioners on the roads within the boundaries of said district.

Limitation of amount to be expended in road district.

When amount not sufficient.

50 per cent of money collected in each district expended in.

Section 9. The Board of County Commissioners at the first monthly or quarterly meeting held after the filing of any supervisor's report, must examine the same and if found correct and the work reported to have been done was necessary and properly done, cause an order to be drawn on the County Treasurer against the road fund for the amount due any Road Supervisor for his services; and upon the presentation of any certificate issued by Road Supervisors for labor performed by others and the verification by the owners thereof, as in other cases of claims against the county, the Board shall cause to be issued to the owner or holder of such claims, a warrant for the amount thereof, drawn on the County Treasurer against the road fund.

Duty of county commissioners in settling payment of road claims.

Section 10. The Road Supervisor, or other person designated by the Board of County Commissioners, has authority to open or construct drains and ditches for the making and preserving of roads and highways, doing as little injury as may be to the adjoining land, and any person stopping or obstructing the drains or ditches so made, forfeits the sum of Fifty Dollars ($50.00), to be recovered by the Supervisor or Board of County Commissioners in a civil action in any court of competent jurisdiction. If any person feels aggrieved by the act of any

Road supervisor has authority to construct drains and ditches.

Penalty for stopping or obstructing drains or ditches.

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Complaint to county commissioners of act of supervisor.

supervisor, or other person designated by the Board of County Commissioners, he may make complaint in writing to the Board of County Commissioners who will allow just damages and pay the same out of the road fund.

Implements to be furnished to road supervisor.

Section 11. Upon the requisition of any Road Supervisor, the Board of County Commissioners shall, whenever necessary, furnish to such Supervisor any plows, scrapers, or other tools and implements necessary for the use of his road district and cause the same to be paid for out of the General Road Fund of the county. The supervisor must preserve such tools and implements, and must not allow the same to be used except on public highways; at the expiration of his term of office, or upon his removal therefrom, he must turn over all such tools and implements to his successor or to the Board of County Commissioners.

Care of tools and implements.

Supervisor to deliver same to successor.

Condition of contract work to be inspected by whom, before payment therefor.

Section 12. The Board of County Commissioners shall, by order, direct the County Surveyor, or both the County Surveyor and some member or members of said Board, or if the County Surveyor is incompetent, appoint a competent Engineer in his place, to inspect the condition of any contract construction work on any highway or bridge in the county, before payment therefor.

Compensation for inspection and traveling expenses to be paid.

Compensation of county surveyor.

Section 13. Such member or members of said Board shall receive, for making said inspection, the sum of Eight Dollars ($8.00) per day, and actual traveling expenses, and the County Surveyor shall receive for making said inspection and for all other work performed for the County under the direction of the Board of County Commissioners, the sum of Seven Dollars ($7.00) per day and actual traveling expenses, which shall be audited and allowed in the same manner as any other claims against the County.

Minute entry of inspection to be made, by whom.

Section 14. The County Surveyor, or such member or members of said Board, when they act jointly, must, at the next regular meeting of the Board, make a minute entry of each inspection.

CHAPTER IV.

Common Highways.

Freeholders may petition county commissioners to establish, change or discontinue any common highway.

When highway is on dividing line between two counties, procedure.

Section 1. Any ten or a majority of the freeholders of a road district, taxable therein for road purposes, may petition in writing the Board of County Commissioners to establish, change or discontinue any common highway therein. When such a highway is petitioned for, upon the dividing line between two (2) counties, the same course must be pursued as in other cases, except that a copy of the petition must be presented to the Board of

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County Commissioners of each County, who may appoint viewers to act jointly and the viewers so appointed must report their findings to both Boards.

What petition must set forth.

Section 2. The petition must be set forth and describe particularly the highways to be abandoned, discontinued, altered or constructed, and if the same is to be altered, laid out or constructed, the general route thereof, over what lands, who are owners thereof, whether such of them as can be found consent thereto, and if not the probable cost of the right-of-way, where consent is not had, the necessity for and advantage of the proposed road.

Commissioners to fix time for viewing common highway.

Section 3. When any such petition is filed, the Board of County Commissioners at its next regular meeting shall fix a time not exceeding sixty (60) days from date of such meeting, for viewing of such proposed road, and shall appoint and cause to be notified three disinterested freeholders of the County, one of whom may be the County Surveyor, or some other competent surveyor designated by the Board, who shall act as viewers. The persons so appointed must, at time designated by the Board, proceed to the discharge of their duties, taking an oath or affirmation before entering upon the same that they will faithfully and impartially discharge such duties according to law; such oath or affirmation may be administered by any proper officer, or by any one of the viewers who has been previously sworn by a proper officer. The viewers, except the County Surveyors or surveyor designated in his stead, shall receive as compensation not to exceed Five Dollars ($5.00) each day for their services, out of the road fund of the County; the surveyor serving instead of the County Surveyor shall receive the same compensation as may be provided for the County Surveyor for like services.

May appoint three viewers.

Duty of viewers.

Oath to be taken.

Who may administer oath.

Compensation of viewers.

Refusal of person to act as viewer or surveyor of any road, a misdemeanor.

Penalty.

Section 4. Any person who shall be appointed by the County Commissioners as a viewer, reviewer or surveyor of any road, who shall refuse or neglect to act as such without making to said Board satisfactory excuse for such refusal or neglect, shall be guilty of a misdemeanor and be subject to a fine of not exceeding Fifty Dollars ($50.00).

Duty of viewers.

Section 5. It shall be the duty of the viewers to view and lay out the proposed road or change over the route and in the manner proposed; but they may also, in their discretion, or by order of the County Commissioners, investigate and consider feasibility and cost of any other route than the one petitioned for which would serve the same purpose. They must notify all resident owners or agent of land over which the proposed road or change

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passes; ascertain whether the resident owners consent thereto, and the amount, if any, they claim or demand for the right-of-way over which it passes, together with the cost of additional fencing and of any bridging or grading necessary; the necessity for, or the public convenience to be subserved by the proposed road or change and whether, in their opinion, such proposed road should be opened or such change be made. When their view is completed, the viewers must report to the Board of County Commissioners:

Must report to county commissioners.

1. The course, termini, length and probable cost of construction of the proposed highway or change.

2. The estimate of damages to the owners of any lands over which it is proposed to run the highway, or that may be affected by the proposed change, including the cost of any additional fencing required.

Contents of viewers' report.

3. The names of land owners who consent to give the right-of-way, with their written consent thereto.

4. The names of those who do not consent, the amount of damages claimed by each, and when there are non-resident land owners and no agent upon the land upon whom notice can be served, such non-resident land owners must be considered as non-consenting, unless their written consent is obtained.

5. The feasibility, desirability, and cost of any other route or change serving the same purpose, with the necessity for a greater, or the practicability of a less width than petitioned for.

Board of county commissioners must fix time of hearing report.

6. The Board of County Commissioners at the next meeting after the filing of the report, or at the time when the report is filed, if then in session, must fix the day for hearing the same, must notify the owners of lands not consenting to give the right-of-way of the hearing, by having written notice served on them by registered mail, postage prepaid, to their post office address or to that of the occupant or agent of the owner; or if neither the owner, agent of the owner, or occupant, can be notified by reason of non-residence or other cause, then by posting notices, one on a conspicuous place on the land, or left at the owner's, agent's or occupant's residence, and one at the Court House, ten (10) days prior to the day fixed for the hearing, and must on that day fixed for the hearing or to which it may be postponed or adjourned, hear the evidence and proof from all parties interested for and against the proposed alteration of the new road, ascertain and by order declare the amount of damage awarded to each nonconsenting land owner and declare the report of the viewers to be approved or rejected.

Mailing notice to land owners.

When notice to be posted.

Proceedings on day of hearing.

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When public highway may be ordered open.

Section 7. If the Board approve the report and there are no non-consenting land owners, the highway may by order be declared a public highway and the road supervisor or other person designated by the Board of County Commissioners ordered to open the same to the public, and the Board shall order the County Surveyor, or if the County Surveyor is incompetent, some other competent surveyor designated by the Board, to survey the same and plat it and file his field notes with the County Clerk and Recorder, for which the Surveyor shall receive Seven Dollars ($7.00) per day and actual traveling expenses.

Shall order survey of road.

Duty of surveyor.

Board to order payment of damages.

The Board of County Commissioners upon making each and every order establishing the location or alteration of any highway, must order the amount of damages sustained by each and every person owning or claiming lands or any improvements thereon and affected thereby, as finally fixed and assigned by them, to be set apart in the treasury out of the proper funds, to be paid to the proper owner or claimant, if known, and to be kept for the owner or claimant if unknown, and to be paid to him or her upon showing or establishing their right or title to such lands or improvements. Any moneys set apart, as herein provided for, must be returned to the fund from which it was set apart, if not paid to or accepted by the proper owner or claimant. If the awards are all accepted the road must be declared a public highway and be opened as before provided.

Money held for unknown land owners.

Money to be returned to fund if not paid or accepted.

When road to be declared a public highway.

How damages are to be determined.

Section 8. The damage must be determined by ascertaining the benefits and damages accruing to any person by reason of altering, changing, or laying out such roads, and the sum estimated as benefits must be deducted from the sum estimated as damages, and the remainder, if any, shall be the amount of damages awarded.

What deemed rejection of damages.

Condemnation proceedings to be ordered when.

Section 9. If any award of damages is not accepted within thirty days from the date of the award it shall be deemed rejected by the land owners. The Board must, by order, direct proceedings to procure the right-of-way to be instituted by the County Attorney of the county under and as provided by Title VII, Part III of the Code of Civil Procedure against all non-accepting land owners, and when thereunder the right-of-way is procured, the roads must be declared a public highway and opened as hereinbefore provided.

Declaring road a public highway.

Fund from which expenditures must be paid.

Section 10. All awards by agreement, ascertainment by the Board of County Commissioners, or by the proper court, and all expenses of viewing, surveying, laying out, or altering any road must be paid out of the general road fund on the order of the Board of Commissioners.

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Record of opening or alteration of road.

Section 11. If a highway is opened or altered, the final report of the viewers, including the plat, field notes, and report of the surveyor, must be recorded in the office of the County Clerk in books kept for that purpose.

Notice of order opening or altering highway.

Section 12. If a highway is ordered to be altered, or opened, the Board of County Commissioners must cause notices thereof to be posted at three public places along the line of said highway, stating that said highway will be opened and worked after sixty days from the date of posting said notice.

Highway not to be ordered open through or along fields of grain.

Section 13. No highway must be ordered opened through field or growing crops or along the line where crops would thereby be exposed to stock until the owner thereof has sufficient time to harvest and care for such crops.

Notice to district supervisor of order opening, altering, etc., highway.

Section 14. When a highway is to be opened, constructed, altered, or widened, the County Clerk must notify the supervisor of the proper district and furnish him with a certified copy of the order of the County Commissioners; provided, that when the estimated cost of opening, constructing, altering, or widening exceeds Two Hundred Dollars the work may, in the discretion of the County Commissioners, be let by contract; and if such estimated cost exceeds the sum of Five Hundred Dollars, such work may be let by contract unless the Board shall find that such work may be otherwise done at less cost; but before any contract shall be let, as provided herein, the Board of County Commissioners shall advertise for bids therefor at least once a week for two successive weeks in a newspaper of general circulation in the county, and the contract shall then be awarded to the lowest responsible bidder who shall, before entering upon the performance of the work, execute and deliver to the Board of County Commissioners an undertaking with two or more sureties, to be approved by the Board of County Commissioners, in a sum not less than equal the amount for which the contract is awarded and conditioned for the prompt, faithful, and efficient performance of such work; provided, however, the Board of County Commissioners may reserve the right to reject any and all bids.

When cost exceeds two hundred dollars, work may be let by contract.

When cost exceeds five hundred dollars.

To advertise for bids, when and how.

Contract to be awarded to lowest responsible bidder.

Contractor's bond.

Board may reject all bids.

Deeds and certified copies of judgment for right-of-way to be recorded.

Section 15. In all cases where consent to use the right-of-way for a highway is voluntarily given, purchased, or condemned and paid for, either an instrument in writing, conveying the right-of-way and incidents thereto, signed and acknowledged by the party making it, or a certified copy of the judgment of the Court condemning the same, must be made and filed and recorded

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in the office of the County Clerk, in which the land so conveyed or condemned must be particularly described.

Duty of owners regarding crossings of railroads, canals and ditches.

Section 16. Whenever highways are laid out across railroads, canals, or ditches, or public lands, the owners or corporations using the same must, at their own expense, so prepare their roads, canals, or ditches, that the public highway may cross the same without damage or delay; and when the right-of-way for a public highway is obtained through the judgment of any Court over any railroad, canal, or ditch, no damage must be awarded for the simple right to cross the same.

No damages to be allowed for right of crossing.

Notice to remove fences must be given, when.

Section 17. When the alteration of an old or the opening up of a new road makes it necessary to remove the fences on land given, purchased, or condemned by order of the court for road or highway purposes, notice to remove the fence must be given by the road supervisor or other person designated by the Board of County Commissioners to the owner, the occupant or agent, by registered mail, postage prepaid, to his or her address; and if the same is not done within ten days thereafter, or commenced and prosecuted with due diligence, the road supervisor or other person designated by the Board of County Commissioners must cause it to be removed at the expense of the owner and recover of him the cost of such removal, and the fence material may be sold to satisfy the judgment.

When supervisor must cause fence to be removed.

Highway to be laid out upon subdivision lines.

Section 18. Highways must be laid out and opened when practicable upon subdivision or section lines; provided, however, that this section shall not be construed to prevent roads being laid out on diagonal lines when public purposes shall be best subserved thereby.

Commissioners to change highway upon petition of freeholders, when.

Section 19. Upon a petition signed by a majority of the freeholders, or owners, residing upon any common highway, or portion thereof, petitioning that such highway, or a portion thereof, be so changed as to run on subdivision or section lines, the Board of County Commissioners must proceed to investigate the same, to all intents and purposes as though it were a petition to establish, change, or discontinue any common highway, as such proceedings are provided for in this Chapter, and after such investigation or hearing may make such change, provided it can be done without material damage, injury, or serious inconvenience to the public customarily using such highway, or portion thereof; provided further, that those petitioning for such change shall bear all or such portion of the cost and expense thereof as the County Commissioners may order.

Provisos.

Section 20. None of the proceedings authorized by

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Defective proceedings immaterial.

this Chapter shall be invalid by reason of any defect, informality, or irregularity therein which does not materially affect the interests of the county or prejudice the substantial rights of property owners immediately concerned.

CHAPTER V.

Bridges.

Public bridges maintained by county.

Section 1. All public bridges are maintained by the county at large under the management and control of the Board of County Commissioners, the expense of construction, maintaining and repairing the same provided in this Act.

Bridge tax.

Section 2. The Board of County Commissioners may levy a special tax not to exceed two mills on the dollar of the taxable property of the county for the purpose of constructing, maintaining, and repairing free public bridges. Such tax must be levied and collected in the same manner as other taxes, and the money when collected and paid into the county treasury must be kept as a special bridge fund, subject to the order of the Board of County Commissioners, to be used in the construction, maintaining, and repairing of bridges at such places as said Board directs.

How bridge taxes to be levied and collected.

Bridge fund.

Construction and repair of bridges costing more than $200, procedure.

Section 3. No bridge, the cost of construction or repairs of which exceeds Two Hundred Dollars ($200.00), shall be constructed or repaired except on the order of the Board of County Commissioners; and when ordered to be constructed or repaired it may be done by contract; provided, that such construction shall be done according to the standard plans and specifications adopted and established by the State Highway Commission, and copies of which shall be on file at all times in the office of the County Clerk in each county of the State; provided, however, that whenever such plans so furnised cannot be applied, the County Commissioners shall have prepared such necessary plans and specifications which shall be on file in the office of the County Clerk thirty days prior to the letting of any such contract.

Specifications of State Highway Commission to be followed.

Proviso.

Sealed bids, contract to lowest bidder.

Section 4. All bids must be sealed, opened at the time specified in the notices, and a contract awarded to the lowest bidder. The Board of County Commissioners may, however, reject any and all bids; provided, however, that if the State Highway Commission shall have adopted or established a standard plan and specification, the bids must be submitted upon such standard plan so adopted and established. The contract and bond for its performance must be entered into and approved by the said Board, except in cases of great emergency,

Board may reject all bids.

Bids to be based upon what specifications.

Cases of great emergency, procedure.

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and by the unanimous consent of all its members. The said Board may proceed at once to construct, replace, and repair any and all structures of whatever nature without notice.

Construction of bridges crossing county lines.

Section 5. Bridges crossing the line between counties must be constructed by the counties into which said bridges reach, and each of the counties must pay such portion of the cost as has been previously agreed upon by the Board of County Commissioners of the respective counties.

CHAPTER VI.

Obstructions and Encroachments on Highways.

How sidewalks may be constructed along highway.

Section 1. Any owner or occupant of land may construct a sidewalk on the highway along the line of his land, subject, however, to the authority conferred by law on the Board of County Commissioners and the road supervisors; and any person using said sidewalk with mule, horse, or team without permission of the owner is liable to such owner or occupant in the sum of five dollars for each trespass, and for all damages suffered thereby.

Damage to sidewalk by teams.

In case of encroachment by fences, buildings, etc.

Section 2. If any highway duly laid out or erected is encroached upon by fences, buildings, or otherwise, the road supervisor of the district must give notices, orally or in writing, requiring the encroachment to be removed from the highway.

Notice of removal.

Notice of removal to be given to whom.

Section 3. Notice must be given to the occupant or owner of the land, or person causing or owning the encroachment, or left at his place of residence, if he be known to the person giving such notice and resides in the country; if not, it must be posted on the encroachment specifying the breadth of the highway, the place and extent of the encroachment, and requiring him to remove the same forthwith.

Penalty for not promptly removing obstruction.

Section 4. If the encroachment is not removed forthwith, or commenced to be removed forthwith, and the removal is not diligently prosecuted, the one who caused, owns, or controls the encroachment forfeits ten dollars for each day the same continues unremoved. If the encroachment is such as to effectually obstruct and prevent the use of the highway for vehicles, the road supervisor must forthwith remove the same.

When road supervisor must remove encroachment.

When action shall be brought to abate encroachment as a nuisance.

Section 5. If the encroachment is denied and the owner, occupant, or person controlling the matter or thing charged with being an encroachment, refused either to remove or permit the removal thereof, the road supervisor must commence in the proper court an action to abate the same as a nuisance; and if he recovers judg-

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Judgment to include punitive damages.

ment, he may in addition to having the same abated, recover ten dollars for every day such nuisance remained after such notice, and also his costs in said action. The

Board may order supervisor to remove encroachment.

Board of County Commissioners may at any time order the Supervisor to forthwith remove any encroachment without commencing an action.

When encroachment may be removed at expense of owner.

Section 6. If this encroachment is not denied, but is not removed for five days after the notice is complete, the road supervisor may remove the same at the expense of the owner, occupant, or person controlling the same, and

Costs and damages.

recover his costs and expenses, and also for each day the same remained after notice was complete, the sum of Ten Dollars in an action for that purpose.

Permitting water to overflow highway.

Section 7. Any person storing or distributing water for any purpose who permits the water to overflow any highway to the injury thereof, must, upon notification

Duty of owner.

by the Board of County Commissioners or the road supervisor of the district where such overflow occurred, repair the damages occasioned by overflow; and should such

Repairs at expense of party causing injury.

repairs not be made within a reasonable time by such person the road supervisor must make such repairs and recover the expense thereof from such person in an action at law.

Permits must be obtained before excavating across public highway.

Section 8. All persons contemplating the excavation of irrigating, mining, drainage, or other ditches across the public highways are required to obtain a permit in writing from the Board of County Commissioners or the Supervisor of said district before beginning such excavations, and to bridge such irrigation, mining, drainage.

Must bridge ditch.

or other ditches at once, substantially and in accordance with the plans and specifications furnished by the Board of County Commissioners; and thereafter said bridges shall be maintained by the county. And on failure or

Failure or neglect to bridge ditch.

neglect to bridge as in this section provided, the supervisor of the road district must immediately remove any obstruction placed there, and refill such ditch, if necessary for the convenience of the traveling public.

Duty of all persons finding any obstruction upon highway.

Section 9. It shall be the duty of any person finding any obstruction upon any highway of this State to forthwith notify the road supervisor of such obstruction.

Party must remove any tree that falls into highway, when.

Section 10. Whoever cuts down a tree so that it falls into any highway must forthwith remove the same, and is liable to a penalty of Ten Dollars for every day the same remains in such highway.

Duty of road supervisors to post notices on bridges.

Section 11. Road Supervisors must, when ordered by the Board of County Commissioners so to do, put upon bridges under their charge notices that there is "Five Dollars Fine for Riding or Driving on This Bridge Faster

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Than a Walk." Whoever thereafter rides or drives faster than a walk on such bridge is liable to pay Five Dollars fine for each offense. Penalty for violating notice.

Section 12. Whoever digs up, cuts down, or otherwise maliciously injures or destroys any shade or ornamental tree on any highway, unless the same is deemed an obstruction by the Board of County Commissioners and removed under their direction, forfeits One Hundred Dollars for each tree. Penalty for maliciously injuring shade trees.

Section 13. Whoever obstructs or injures or causes to be obstructed or injured any highway, or diverts or causes to be diverted any water courses thereon, or drains or causes to be drained any water from his land upon any highway, to the injury thereof, is liable to a penalty of Ten Dollars for each day such obstruction or injury remains, and must be punished as provided in Section 8736 of the Revised Codes. It shall be the duty of the Road Supervisor to notify the County Attorney of any and all violations of this Act. Obstructing and injuring highway. Draining water thereon. Penalty. Notice to county attorney.

Section 14. It shall be unlawful for any person or persons to dump or leave any garbage or dead animal in or upon any public highway, road, or alley of this State, or within 200 yards of such public highway, road, or alley. Any person found guilty of a violation of this Section shall be fined in a sum not exceeding Twenty-five Dollars ($25.00), or imprisoned in the county jail for a period not exceeding thirty days, or be punished by both such fine and imprisonment, in the discretion of the Court. Dumping garbage or leaving dead animals upon or within 200 yards of any public highway. Penalty.

Section 15. It shall be unlawful for any person or persons to deposit any crockery or glass, nails, tacks, or any other article that would tend to injure horses' feet or automobile tires in or upon any highways, road, or alley in this State. Any persons guilty of a violation of this Section shall be fined in a sum not exceeding Fifty Dollars ($50.00) or be imprisoned in the county jail for a period not exceeding sixty days, or be punished by both such fine and imprisonment in the discretion of the Court. Depositing crockery, glass, nails, tacks, etc., upon highway. Penalty.

Section 16. The County Attorneys upon complaint of the road supervisor, or any other person, must prosecute all actions under the provisions of this Act by a suit in the name of the State and all penalties and forfeitures must be paid into the general fund of the county. Duty of county attorney to prosecute.

CHAPTER VII.

Guide Boards.

Section 1. The several Boards of County Commissioners in the State of Montana shall erect, or cause to be

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Guide boards must be placed and maintained, where.

erected, within six months after the passage of this Act, and maintain at the expense of the county, suitable guide boards at or within one hundred feet from forks of all public highways within their respective counties. Said guide boards shall contain a suitable inscription indicating the way and naming the approximate or true distance to one or more of the nearest cities, towns, villages, or other known points situated on said road; provided, however, that not more than four guide boards shall be placed within any one incorporated town or village of any county of this State. They must be of suitable size to contain the inscription, the background of which must be white. The letters contained in the inscription thereon shall be black at least two inches in height, and legible.

What guide boards shall show.

Number in incorporated town or village.

Size and construction.

Colors of letters and back ground.

Section 2. Said guide boards to be securely fastened to posts at least six inches in diameter at the butt, and at least eight feet in length, and planted in the ground so that said post shall be when erected at least six feet high above the ground.

Must be fastened to substantial post, of what dimensions.

Section 3. Every person who maliciously removes or injures any guide board, erected upon any highway, or any inscription on such, or defaces the same in writing or in any other manner, is guilty of a misdemeanor and shall, upon conviction thereof, be fined in any sum not less than Ten Dollars ($10.00) nor more than Twenty-five Dollars ($25.00), and costs of suit. Said fine, when collected, shall be paid into the county treasury for road purposes.

Maliciously removing, or injuring any guide post.

Misdemeanor.

Penalty.

CHAPTER VIII.

Laws of the Road.

Law upon meeting of vehicles.

Section 1. When vehicles meet, the driver of each must turn reasonably to the right of the center of the highway or road, so as to pass without interference, under the penalty of Twenty-five Dollars ($25.00) for every neglect, to be recovered by the party injured. Where the whole breadth of the roadway is not worked, the center of the worked part is the center of the highway. In times of snow where there is a beaten track the center of that is the center of the highway or road. But this section does not apply to vehicles meeting cars running on rails or grooved tracks.

Penalty.

Who shall not be employed to drive passenger vehicles.

Section 2. No person must employ to drive any vehicle for the conveyance of passengers upon any public highway or road, a person addicted to drunkenness, under penalty of Five Dollars ($5.00) for every day such person is in his employ.

Penalty.

Intoxicated drivers.

Section 3. If any person while actually employed in

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driving any vehicle is intoxicated to such a degree as to endanger the safety of his passengers, the owner, on receiving from any passenger a written notice of the fact, verified by his oath, must forthwith discharge such driver, and if he have such driver in his service within six months after such notice, he incurs a like penalty.

Duty of owner.

Section 4. The driver of any vehicle used to convey passengers must not leave the horses attached thereto while passengers remain in the same, without first fastening the horses or placing the lines in the hands of some other person, so as to prevent their running, under a penalty of Twenty Dollars ($20.00) for each offense.

Duty of driver to guard team while attached to passenger vehicle.

Section 5. The owner of every vehicle running or traveling upon any highway or road for the conveyance of passengers, is liable for all damage to person or property done by any person in his employment as a driver while driving such vehicle, whether done wilfully or negligently, or otherwise, in the same manner as such driver would be liable.

Liability of owner of vehicle for conveying passengers for negligence of driver.

Section 6. All persons owning, controlling, operating, or managing threshing machines, steam engines, sawmills, or any heavy loads of whatever kind or nature, are required in moving the same over the public highways to lay down planks not less than one foot wide, three inches in thickness, and of sufficient length, on the floors of all bridges and culverts situated on the public highways, while crossing the same, for the wheels of said threshing machines, sawmills, steam engines, or other vehicles carrying heavy loads of any kind to run on; provided, that this section shall not apply to any threshing machine, sawmills, steam engine, or other vehicle carrying heavy loads not exceeding six tons in weight.

Duty of persons moving machinery or heavy loads over six tons along highways or over bridges.

Section 7. All persons owning, controlling, operating, or managing threshing machines, sawmills, or steam engines of any kind, are required in moving the same along the public highways, or meeting any person or persons on horses or mules, or in vehicles drawn by horses or mules, to shut off the steam and halt until such horses or mules shall have safely passed.

Steam threshing machines, sawmills, etc., moving along highways must shut off steam and give safe passage to animals.

Section 8. Any person or persons violating the provisions of the two preceding sections shall be guilty of a misdemeanor, and shall, on conviction thereof, be fined in a sum not less than Five Dollars ($5.00) nor more than One Hundred Fifty Dollars ($150.00).

Penalty for violating two last sections.

CHAPTER IX.

Motor Vehicles.

Section 1. Every person owning any motor vehicle

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Tags with license number thereon to be attached to motor vehicle, at rear.

(other than traction engines, road rollers and vehicles running on rails or tracks) shall, at the time of paying for and procuring the license thereon as provided by law, equip said motor vehicle with a suitable tag of a permanent character, the dimensions of which shall not be less than twelve inches long and four inches wide, said tag to be exhibited on the rear end of said motor vehicle at all times, and the number of said tag must correspond with the current number of said license issued to the said motor vehicle.

Speed limit of automobiles and motor vehicles outside of cities, towns, etc.

Section 2. No automobile or other motor vehicle shall be run on any public highway outside of the limits of any city, fire district, or thickly settled or business part of a town, at a speed exceeding thirty miles an hour; and no such vehicle shall be run on any public way within the limits of a city, fire district, or of any thickly settled or business part of a town at a speed exceeding eight miles an hour.

Speed limit within cities.

Required precaution of drivers of motor vehicles upon meeting horses, mules, etc.

Section 3. Every person having control or charge of a motor vehicle shall, whenever upon any public street or highway and approaching any vehicle drawn by horse or horses, mule, or mules, or any horse or mule upon which any person is riding, so operate, manage, and control such motor vehicle as to exercise every reasonable precaution to prevent the frightening of any such animals and to insure the safety and protection of any person riding or driving the same. And if such animals or any thereof appear frightened, the person in control of such motor vehicle shall reduce its speed, and if requested by signal or otherwise by the driver of such animal or animals, unless such movement be necessary to avoid accident or injury, or until such animal or animals appear to be under the control of the rider or driver.

To reduce speed, when.

Speed at crossings and intersections of ways.

Section 4. Upon approaching a crossing of intersecting ways, and also in traversing the crossing or intersection, the person in control of a motor vehicle shall run it at a rate of speed less than that above specified, and not greater than is reasonable and proper having regard to the traffic and the use of the intersecting ways.

"Motor vehicle" defined.

Section 5. The term "motor vehicle" in this Act shall include all vehicles propelled by any power other than muscular power, excepting railroad and railway cars and motor vehicles running only upon rails or tracks.

Penalty for violating Act.

Section 6. Any person violating any provisions of this Act shall be punished for each offense by a fine not exceeding One Hundred Dollars, or by imprisonment for a term not exceeding sixty days, or by both such fine and imprisonment.

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Section 7. Any vehicle of any kind drawn by horses or propelled by steam or gasoline, or any other power, overtaking a vehicle on the public highway upon the party desiring to pass giving warning to the first vehicle of such desire, the said first vehicle shall make reasonable effort to give the second vehicle half the road within which to pass. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor, and shall pay a fine not exceeding Twenty-five Dollars ($25.00) to be recovered by the party injured, or by imprisonment for a term not exceeding sixty days, or by both such fine and imprisonment.

Duty of driver of vehicle to permit vehicle overtaking him to pass.

Penalty.

CHAPTER X.

Disposition of Fines.

Section 1. Any and all fines collected for the violation of any of the provisions of this Act, shall belong to the general road fund of the county and shall, immediately after their collection, be paid over by the court or magistrate collecting the same, to the county treasurer for the use and benefit of that fund.

Fines collected to belong to and be paid into the general road fund of county.

CHAPTER XI.

Repealing Clauses.

Section 1. Sections 1337, 1338, 1340, 1341, 1344, 1345, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1371, 1872, 1390, 1392, 1393, 1394, 1395, 1396, 1405, 1410, 1427, 1430, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1454 and 1456 of the Revised Codes, and that certain Act approved March 11, 1909, entitled "An Act to provide for the permanent improvement of main highways by extension of county aid for such purposes, to provide the manner of petitioning for such improvement, for the levying of assessments, upon lands benefited thereby for the payment of a part of the cost thereof," as well as that certain Act approved March 9th, 1909, entitled, "An Act placing the highways and bridges in counties of the first class under the supervision and control of the County Surveyor, defining his powers and duties, fixing his compensation and abolishing the office of the road supervisor in counties of the first class," are each and all hereby repealed.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This Act shall be in force and effect from and after its approval.

Approved March 10th, 1915.

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CHAPTER 142.

"An Act to amend Sections 2, 3, 5, 6, 8, 11, 16 and 25 of Chapter 89 of the Acts of the Thirteenth Legislative Assembly of the State of Montana, said Act being an Act approved March 14th, 1913, entitled, 'An Act relating to special improvements in Cities and Towns, and repealing Sections 3367, 3369, 3370, 3371, 3372, 3373, 3374, 3375, 3376, 3377, 3378, 3379, 3380, 3381, 3382, 3383, 3384, 3385, 3386, 3387, 3388, 3389, 3396, 3397, 3398, 3399, 3400, 3401, 3402, 3403, 3404, 3405, 3406, 3407, 3408, 3409, 3410, 3411, 3412, 3417, 3418, 3419, 3420, 3421, 3422, 3423, 3424, 3425, 3426, 3427, 3428, and 3429 of the Revised Codes of Montana of 1907, and Chapter 127 of the Acts of the Eleventh Legislative Assembly of the State of Montana, being an Act entitled, 'An Act to empower City and Town Councils to pay in installments for any improvements which are to be paid for by special assessment against any property, and for such installments to issue annual interest bearing warrants, and to levy and collect assessments to pay for the same, and to extend the payment of the installments over any period not exceeding eight (8) years, approved March 8th, 1909; and Chapter 62 of the Acts of the Twelfth Legislative Assembly of the State of Montana, being an Act entitled, 'An Act to amend Section 3398 of the Revised Codes of the State of Montana, of 1907, and providing that interest coupons for the payment of interest of any special improvement district warrant of any City or Town within the State of Montana may bear an engraved or lithographed facsimile signature of the Mayor and City or Town Clerk of such City or Town, approved March 2nd, 1911;' and legalizing and validating the creation of certain special improvement districts in the Cities and Towns of the State of Montana, and the bonds and warrants issued or to be issued to defray the costs and expenses incurred, or to be incurred in the construction of the improvements made or to be made in any such districts, and the assessments levied, or to be levied in any such districts to defray the costs of making the improvements therein, and repealing all Acts, or parts of Acts in conflict herewith."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2 of Chapter 89 of the Acts of the Thirteenth Legislative Assembly of the State of Montana, be and the same is hereby amended to read as follows:

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"Section 2. Whenever the public interest or convenience may require, the city council is hereby authorized and empowered to create special improvement districts, and order the whole, or any portion or portions, either in length or width, of any one or more of the streets, avenues, alleys, or places or public ways of any such city graded or re-graded to the official grade, planked or replanked, paved or re-paved, macadamized or re-macadamized, graveled or re-graveled, piled or re-piled, capped or re-capped, surfaced or re-surfaced, oiled or re-oiled, and to order the construction or reconstruction therein of sidewalks, cross walks, culverts, bridges, gutters, curbs, steps, parkings, including the planting of grass plots and setting out trees; sewers, ditches, drains, conduits and channels for sanitary and drainage purposes, or either or both thereof, with outlets, cesspools, manholes, catch basins, flush tanks, septic tanks, connecting sewers, ditches, drains, conduits, channels, and other appurtenances; pipes, hydrants, hose connections for irrigating; appliances for fire protection; tunnels, viaducts, conduits, and subways; breakwaters, levees, retaining walls, bulkheads and walls of rock or other material to protect the same from overflow or injury by water; the opening of streets, avenues and alleys; the planting of trees thereon; and to maintain, preserve and care for any and all of the improvements herein mentioned; and the construction or reconstruction in, over, or through property or rights of way owned by such city, of tunnels, sewers, ditches, drains, conduits and channels for sanitary and drainage purposes, or either or both thereof, with necessary outlets, cesspools, manholes, catch basins, flush tanks, septic tanks, connection sewers, ditches, drains, conduits, channels and other appurtenances; pipes, hose connections for irrigating, hydrants and appliances for fire protection; and breakwaters, levees, retaining walls and bulkheads; walls of rock or other material to protect the streets, avenues, lanes, alleys, courts, places, public ways and other property in any such city from overflow by water; and to order any work to be done which shall be deemed necessary to improve the whole, or any portion of such streets, avenues, sidewalks, alleys or places, or public ways, or property, or right of way of such city. The city council is also hereby authorized to create a district as hereinafter specified for the purpose of defraying the cost of acquiring private property for the purpose of opening, widening or extending any street, avenue or alley within the corporate limits of such city.

Special improvement districts may be created, when.

May embrace what property.

How improved.

District for purpose of acquiring private property for street purposes

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May require public service corporations, persons, etc., occuping street to place wires underground.

It is further provided that the council shall have the same jurisdiction and powers as is in this section above provided, to (before doing any of the work mentioned in this Act) require any public service corporation, or company, firm or person occupying such streets, avenues or alleys, at their own expense and within a reasonable time to be fixed by the council, place in an underground conduit in such manner as may be directed by the city council, all wires, electric conduits, telephone, telegraph, power or power transmission lines, or appurtenances thereto, or appliances owned, held or enjoyed in connection therewith.

Amending Sec. 2 of Chap. 89, Laws of 1913.

Section 2. That Section 3 of Chapter 89 of the Acts of the Thirteenth Legislative Assembly of the State of Montana, be and the same is hereby amended to read as follows:

Council must first pass resolution of intention to create special district.

Resolution to designate what.

"Section 3. Before creating any special improvement district, for the purpose of making any of the improvements, or acquiring any private property for any purpose authorized by this Act, the city council shall pass a resolution of intention so to do, which resolution shall designate the number of such district, describe the boundaries thereof, and state therein the general character of the improvement or improvements which are to be made, and an approximate estimate of the cost thereof; provided, however, that any improvement to be made in paving, the city or town council may in describing the general character of the same, describe several kinds of paving. Upon having passed such resolution, the council must give notice of the passage of such resolution of intention, which notice must be published for five (5) days in a daily newspaper; or in some one issue of a weekly paper published in the city or town, or in case no newspaper be published in such city, then by posting for five (5) days in three (3) public places in the city or town, and a copy of such notice shall be mailed to every person, firm, or corporation, or the agent of such person, firm, or corporation having property within the proposed district at his last known address, upon the same day, such notice is first published or posted. Such notice must describe the general character of the improvement or the improvements so proposed to be made, and state the estimated cost thereof, and designate the time when and the place where the council will hear and pass upon all protests that may be made against the making of such improvments, or the creation of such district; and said notice shall refer to the resolution on file in the office of the City Clerk for the description of the boundaries.

May describe several kinds of pavement.

Published notice of intention to be given.

May be posted, when, and copies mailed to property owners.

Notice must describe and state, what.

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What may be included in one proceeding.

The city council may include in one proceeding under one resolution of intention and in one contract any of the different kinds of work mentioned in this Act, and any number of streets and rights-of-way, or portions thereof, and it may except therefrom any of said work, already done, upon a street to the official grade.

Material to be used in paving street car tracks may be different.

"Where the special improvement contemplated is the paving of a street, in which car tracks have been constructed, the city shall have the power and authority to order the general character of the material between the rails and one foot on each side of the rails to be of a different kind from that used in the remainder of the street; providing, that, the general character of the material to be used between the car tracks and one foot on each side of the rails, be described, in the resolution of intention, in the same manner as the general character of the material used for the rest of the contemplated pavement.

Material must be described in resolution of intention.

Lots fronting upon excepted work already done not to be included in assessment.

The lots or portions of lots fronting upon said excepted work, already done, shall not be included in the assessment for the class of work from which the exception is made; provided that this shall not be construed so as to affect the special provisions as to grading contained in sub-division 3 of Section 15 of this Act.

Proviso.

Amending Sec. 5 of Chap. 89, Laws of 1913.

Section 3. That Section 5 of Chapter 89 of the Acts of the Thirteenth Legislative Assembly of the State of Montana be and the same is hereby amended to read as follows:

Protests against proposed work or creation of the district, when.

"Section 5. At any time within fifteen days after the date of the first publication of the notice of the passage of the resolution of intention, any owner of property liable to be assessed for said work may make written protest against the proposed work or against the extent or creation of the district to be assessed, or both. Such protest must be in writing, and be delivered to the said clerk of the city council, who shall endorse thereon the date of its receipt by him. At the next regular meeting of the city council, after the expiration of the time within which said protest may be so made the city council shall proceed to hear and pass upon all protests so made, and its decision shall be final and conclusive; provided, however, that when the protest is against the proposed work, and the cost thereof is to be assessed upon the property fronting thereon, and the city council finds that such protest is made by the owners of a majority of the property fronting on the proposed work, or when the protest is against the proposed work, and the cost thereof is to be assessed upon the property within an extended dis-

Requirements of the protest.

Council shall hear and pass upon protests, when.

Council's conclusions are final.

When protest is by majority of property fronting on proposed work.

When one-half of owners in an extended district protest.

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trict, and the city council finds that such protest is made by the owners of more than one-half of the area of the property to be assessed for said improvements, no further proceedings shall be taken for a period of six months from the date when said protest was received by the said clerk of the city council; except in case the improvements are the construction of sanitary sewers, when the said protest may be overruled by an affirmative vote of a majority of the members of the City Council.

No further proceedings to be had for 6 months.

Except in case of sanitary sewers.

Determining sufficiency of protest what property to be included.

In determining whether or not sufficient protests have been filed in a proposed district, to prevent further proceedings therein, property owned by a county, city or town shall be considered the same as other property in the district. The city council may adjourn said hearing from time to time.

Amending Sec. 6, Chap. 89, laws 1913.

Section 4. That Section 6 of Chapter 89 of the Acts of the Thirteenth Legislative Assembly of the State of Montana, be and the same is hereby amended to read as follows:

When no sufficient protests have been filed in time, or have been denied.

"Section 6. When no protests have been delivered to the clerk of the city council within fifteen days after the date of the first publication of the notice of the passing of the resolution of intention, or when a protest shall have been found by said city council to be insufficient, or shall have been overruled, or when a protest against the extent of the proposed district shall have been heard and denied, immediately thereupon the city council shall be deemed to have acquired jurisdiction to order the proposed improvements. But before ordering any of said proposed improvements the city council shall pass a resolution creating the said special improvement district in accordance with the resolution of intention theretofore introduced and passed by the city council.

Jurisdiction acquired.

Resolution creating district to be passed.

Amending Sec. 8, Chap. 89, Laws 1913.

Section 5. That Section 8 of Chapter 89 of the Acts of the Thirteenth Legislative Assembly of the State of Montana be and the same is hereby amended to read as follows:

Notice inviting proposals and the publication thereof.

"Section 8. Notice inviting proposals, and referring to the specifications on file, shall be published at least twice in a daily, semi-weekly, or weekly newspaper, published and circulated in said city, designated by the council for that purpose, and in case there is no newspaper published in said city, then it shall be posted in at least three public places."

Council may call for bids for several kinds of material and select the kind used.

The city council may call for bids or proposals for several kinds and types of materials for any improvements proposed to be made under Chapter 89 of the Acts of the Thirteenth Legislative Assembly of the State of

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Montana, reserving the right to select the kind or type of material to be used in making any such improvements, after the bids or proposals therefor shall have been opened, examined and declared.

"The time fixed for the opening of bids shall be not less than ten days from the time of the final publication of said notice. All proposals, or bids offered shall be accompanied by a check payable to the city, certified by a responsible bank for an amount which shall not be less than ten per cent (10%) of the aggregate of the proposal. Said proposals or bids shall be delivered to the clerk of the said city council, and said city council shall, in open session, publicly open, examine and declare the same, provided, however, that no proposal or bids shall be considered unless accompanied by said check. The city council may reject any and all proposals or bids should it deem this for the public good, and also the bid of any party who has been delinquent or unfaithful in any former contract with the municipality, and shall reject all proposals or bids other than the lowest regular proposal or bid of any responsible bidder, and may award the contract for said work or improvement to the lowest responsible bidder at the prices named in his bid.

Time for opening bids.

Guarantee checks to accompany bids.

Bids to be delivered to the clerk who shall open them in open public session.

Privilege to reject bids.

Shall reject all except the lowest responsible bidder.

If the bids are rejected or no bids are received, the city council may within six months thereafter readvertise for proposals or bids for the performance of the work as in the first instance, without further proceedings, and thereafter proceed in the manner in this section provided and shall thereupon return to the proper parties the checks corresponding to the bids so rejected. But the checks accompanying such accepted proposals or bids shall be held by the city clerk of said city until the contract for doing said work, as hereinafter provided, has been entered into, either by said lowest bidder, or by the owners of over fifty per cent of the frontage, whereupon said certified check shall be returned to said bidder. But if said bidder fails, neglects or refuses to enter into the contract to perform said work or improvements, as hereinafter provided, then the certified check accompanying his bid, and the amount therein mentioned shall be declared to be forfeited to said city, and shall be collected by it, and paid into the general fund.

May re-advertise for bids when.

To return checks when.

Check of lowest bidder to be held until when.

Amount of check to be forfeited, when.

Section 6. That Section II of Chapter 89 of the Acts of the Thirteenth Legislative Assembly of the State of Montana be and the same is hereby amended to read as follows:

Amending Sec. 11, Chap. 89, Laws 1913.

"Section II. If the contractor or owner who may have taken any contract does not complete the same within

When contractor fails to complete work within specified time.

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the time limited in the contract or within such further time as the city council may give him, the city engineer shall report such delinquency to the city council, which may relet the unfinished portion of said work after pursuing the formalities prescribed hereinbefore for the letting of the whole in the first instance; or the city shall have the right at its option to complete the contract and deduct any cost in excess of the contract price thereof from any money, bonds or warrants due such contractor, or owners, and in the event there in no money, bonds or warrants due such contractor, or owners, from which to deduct such cost then and in such event the city shall have the right to sue such contractor, or owners, and recover from him such cost."

Reletting work.

City may finish contract and deduct difference in cost.

Suit to recover difference in cost.

Amending Sec. 16, Chap. 89, Laws of 1913.

Section 7. That Section 16 of Chapter 89 of the Acts of the Thirteenth Legislative Assembly of the State of Montana, be and the same is hereby amended to read as follows:

Assessment to taxes to pay cost of improvement.

"Section 16. To defray the cost of making improvements in any Special Improvement District, or of acquiring property for the opening, widening or extending any street or alley, or to defray the cost and expense of changing any grade of any street, avenue or alley, the city council shall by resolution levy and assess a tax upon all property in any district created for such purpose by using for a basis for assessment one of the methods set forth in Section 14 of this Act. Such resolutions shall contain a description of each lot and parcel of land with the name of the owner, if known, and the amount of each partial payment to be made and the day when the same shall become delinquent."

Basis of assessment to be used.

Resolution to contain.

Period of payment of assessments.

"The payment of assessments to defray the cost of constructing any improvements in special improvement districts may be spread over a term of not to exceed twenty years, payments to be made in equal annual installments.

Amending Sec. 25, Chap. 89, Laws 1913.

Section 8. That Section 25, of Chapter 89 of the Acts of the Thirteenth Legislative Assembly of the State of Montana be and the same is hereby amended to read as follows:

Bonds and warrants of special improvement districts.

Section 25. All costs and expenses incurred in the construction of any improvements specified in this Act, in any improvement district, shall be paid for by special improvement District Bonds or Warrants. Such bonds or warrants shall be drawn in substantially the following form:

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Form of bonds or warrants.

District No.....

United States of America
State of Montana.

Warrant or (Bond No.....) Dollars $.....

Interest at the rate of 6% per annum payable annually.

Special Improvement District Coupon Warrant or Bond.

.....Montana,

Issued by the City of.....Montana.

The Treasurer of the city of.....Montana will pay to.....or bearer, the sum of.....Dollars as authorized by resolution No.....as passed on the.....day of.....19.....creating Special Improvement District No.....for the Construction of the improvements and the work performed as authorized by said resolution to be done in said District, and all laws, resolutions and ordiances relating thereto, in payment of the contract in accordance therewith. The principal and interest of this warrant (or bond) are payable at the office of the City Treasurer of....., Montana.

This warrant (or bond) bears interest at the rate of six per cent (6%) per annum from the date of registration of this warrant (or bond) as expressed herein, until the date called for the redemption by the City Treasurer. The interest on this warrant (or bond) is payable annually on the first day of.....in each year, unless paid previous thereto and as expressed by the interest coupons hereto attached, which bear the engraved facsimile signature of the Mayor and City Clerk.

This warrant (or bond) is payable from the collection of a special tax or assessment which is a lien against the real estate within said improvement Districts, as described in said resolution hereinbefore referred to.

This warrant (or bond) is redeemable at the option of the City at any time there are funds to the credit of said Special Improvement District Fund for the redemption thereof, and in the manner provided for the redemption of the same.

It is hereby Certified and Recited, That all things required to be done precedent to the issuance of this warant (or bond), have been properly done, happened and been performed (SEAL) in the manner prescribed by the laws of the State of Montana and the resolutions and ordinances of the City of.....Montana, relating to the issuance thereof.

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Dated at ....., Montana this.....day of .....19.....

City of....., Montana.

By.....Mayor.

.....City Clerk.

Registered at the office of the City Treasurer of..... ....., Montana, this.....day of.....19.....

.....

City Treasurer.

Bonds or warrants to be drawn against what fund, and bear six per cent interest.

And the same shall be drawn against the Special Improvement District fund created for the district, and shall bear interest at the rate of six per cent (6%) per annum, from the date of registration until called for redemption or paid in full, interest to be payable annually on the first day of January of each year, unless the council prescribes another date.

Execution of bonds or warrants and registration thereof.

Such warrants (or bonds) shall be signed by the mayor and clerk and shall bear the corporate seal of the city. They shall be registered in the office of the clerk and treasurer, and if interest coupons be attached thereto they shall also be so registered and shall bear the signature of the mayor and clerk; provided, however, that said coupons may bear the facsimile signature of said officers in the discretion of the city council.

Denomination of bonds.

Said bonds shall be in denominations of One Hundred ($100.00) Dollars or fractions or multiples thereof; and may be issued in installments, and may extend over a period not to exceed twenty years.

When redeemable.

Such warrants (or bonds) shall be redeemed by the treasurer when there are funds in the Special Improvement District Fund against which said warrants (or bonds) are issued available therefore; Provided that the treasurer

Interest on all outstanding bonds to be paid first.

shall first pay out of such Special Improvement District Fund annually the interest on all outstanding warrants (or bonds) on presentation of the coupons belonging thereto, and any funds remaining shall be applied to the payment of the principal and the redemption of the warrants (or bonds) in the order of their registration; and

Bonds to be paid in their order of registration.

provided further, that whenever there are any funds in any Special Improvement District Fund, after paying the interest on such warrants (or bonds) drawn against said fund, the treasurer shall call in for payment outstanding warrants (or bonds), which together with the interest thereon to the date of redemption, will equal the amount of said fund on that date, which date shall be fixed by the

Call for outstanding bonds.

Notice of call given how.

treasurer who shall give notice by publication once in a newspaper published in the city, or at the option of the Treasurer, by written notice to the holder or holders of such warrants (or bonds), if their address be known, of

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the number of warrants (or bonds) and the date on which payment will be made, which date shall not be less than ten days after the date of publication or of service of notice, and on which date, so fixed, interest shall cease. When it is provided by the resolution creating the district that the work be paid for in warrants (or bonds), the city council shall by resolution fix the denominations of such warrants (or bonds), which may be of One Hundred Dollars, or fractions or multiples thereof, the rate of interest, which shall not exceed six per cent (6%) per annum, and provide for the payment or redemption of such warrants (or bonds) at a time certain, which time of payment must not exceed twenty years from and after the date of issuance."

Council to fix denomination of bonds or warrants, when.

Interest not to exceed six per cent.

Time certain to be fixed.

Section 9. That all special improvement districts which any city or town council in the State of Montana has created or attempted to create since March 14th, 1913, pursuant to the provisions of Chapter 89 of the Acts of the Thirteenth Legislative Assembly of the State of Montana, the creation or attempted creation of which was irregular because of the failure of any such city or town council, so creating or attempting to create the same, to proceed in the creation of any such districts, or in giving notice thereof, in the manner required by Chapter 89 of the Acts of the Thirteenth Legislative Assembly of the State of Montana; and any and all bonds and warrants issued, or to be issued to defray the cost and expense incurred, or to be incurred in the construction of the improvements made or to be made in any such districts, and the assessments levied or to be levied in any such districts, are hereby legalized and validated, and the acts and proceedings of the city or town council of any such city or town done or had with reference thereto, are hereby made of as binding force and effect, as though they were done and had in strict conformity with the provisions of said Chapter 89 of the Acts of the Thirteenth Legislative Assembly of the State of Montana; provided however, that a resolution of intention to create, or a resolution creating or attempting to create any such district, was duly and properly passed and adopted by the city or town council of any such city or town, and approved by the mayor thereof, prior to giving notice thereof; and provided further that notice of the passage of such resolution of intention to create, or resolution creating or attempting to create any such district, or notice of the creation or intention to create or attempted creation of any such district, and of the time and place when and where the city or town council of any such city

Curative section concerning special improvement districts created since March 14, 1913.

Provided that resolution of intention was duly and properly passed and adopted, and approved by the mayor.

And provided that notice thereof and of the time of hearing protests was duly published.

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or town would hear and pass upon all protests made by any owner of property in any such district liable to be assessed for the work done or proposed to be done therein, against the making of such improvement, or the creation of any such district, and describing the general character of the improvements proposed to be made, the estimated cost thereof, and referring to the resolution on file in the office of the city or town clerk of any such city or town, for the description of the boundaries of any such district, was published for five days in a daily newspaper, or in some one issue of a weekly paper published in any such city or town, or in case no newspaper was published in any such city or town, at the time such notice was given, then, provided, it was posted for five days in three public places in such city or town; and provided further that a copy of such notice so published or posted was mailed to every person, firm or corporation, or to the agent of every person, firm or corporation, having property within any such district, at his last known address, upon the same day such notice was first published or posted; and provided further that said notice was published or posted, and mailed on a day not less than fifteen days prior to the date set for hearing and passing upon all protests made in any such district; and provided further that at the next regular meeting of the city or town council of any such city or town after the expiration of said fifteen days, the city or town council of any such city or town, proceeded to hear and pass upon, and did hear and pass upon all protests made in any such district; and provided further that no sufficient protests were made in any such district to prevent further proceedings therein, as provided in Chapter 89 of the Acts of the Thirteenth Legislative Assembly of the State of Montana; and provided further that the resolutions, ordinances, notices, acts, and proceedings required to be passed, adopted, approved, given, done and had by the provisions of Chapter 89 of the Acts of the Thirteenth Legislative Assembly of the State of Montana for the letting of any contract for the construction of any improvements in any such district, and the resolutions, ordinances, notices, acts, and proceedings required to be passed, adopted, approved, given, done and had by said Chapter 89 of the Acts of the Thirteenth Legislative Assembly of the State of Montana, for the issuance and delivery or sale of any bonds or warrants of any such district where, or shall be duly and regularly passed, adopted, approved, given, done and had in conformity with the provisions of said Chapter 89 of the Acts of the

And provided that notices were mailed to the property owners in time.

And that council proceeded to and did hear and pass upon all protests.
And that no sufficient protests were made.

And provided that certain resolutions, etc., for letting of contracts, the issuing of bonds, etc., were or shall be duly passed.

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Thirteenth Legislative Assembly of the State of Montana, and the laws of the State of Montana relating thereto; and provided further that the assessment to defray the cost of making the improvements in any such district was, or shall be duly and regularly passed, adopted and approved, and notice thereof duly and regularly given, and a copy of the resolution levying any such assessment, certified to by the city or town clerk, delivered to the city or town treasurer of any such city or town, within two days after its final passage, as required by the provisions of said Chapter 89 of the Acts of the Thirteenth Legislative Assembly of the State of Montana; and provided further that the sum levied and assessed or to be levied and assessed against the property of any such district did not, or shall not exceed the cost and expense of making the improvements therein; and provided further that the improvements made or to be made in any such district, are improvements which a city or town can legally make under the provisions of said Chapter 89 of the Acts of the Thirteenth Legislative Assembly of the State of Montana; and provided further that nothing herein contained shall be deemed to affect or disturb rights acquired under any judicial decision made in any cause involving the procedure of any special improvement district created, or attempted to be created under the provisions of Chapter 89 of the Acts of the Thirteenth Legislative Assembly of the State of Montana.

And provided that the assessments were or shall be duly passed, adopted and approved, and notice given.

And that levy did not or shall not exceed cost.

That the improvements are legal.

Act not to affect rights acquired under judicial decision.

Section 10. All Acts or parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 11. This Act shall be in full force and effect from and after its adoption and approval by the Governor.

Approved March 9, 1915.

CHAPTER 143.

"An Act authorizing the creation of special improvement districts for lighting streets in cities and towns and to assess not less than one-fourth and not more than three-fourths of the cost thereof against the property abutting thereon and the remainder of such cost against the city or town at large."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The City or Town Council of any city or town is authorized to create Special Improvement Districts embracing any street or streets or public highway therein or portions thereof and property abutting thereon, for the purpose of lighting such street or streets or

Creation of special improvement district for lighting purposes, power of council.

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public highway, and to require not more than three-fourths and not less than one-fourth of the cost of installing and maintaining such lighting system to be paid by the owners of the property abutting upon some portion of the street or streets or public highway embraced within such districts, including any street or other railway therein, and to assess and collect such portion of such cost by special assessment against said property.

Apportionment of cost.

Proportion of cost to be borne by abutting property.

Section 2. The portion of the entire cost of erecting and maintaining the posts, wires, pipes, conduits, lamps, and other suitable or necessary appliances for the purpose of lighting said streets or public highways, and of the annual cost of supplying electrical current for and maintaining the lights thereon in such districts, not less than one-fourth nor more than three-fourths, as shall be determined by the city and town council, shall be borne by property embraced within said district abutting upon some portion of the street or public highway within such district to be lighted, each parcel of land so abutting to be assessed in the proportion which the street frontage of each parcel of land bears to the street frontage of the entire district to be lighted; and the owner of any street or other railway upon the street or public highway or portion thereof, within the district shall be assessed for such part of the entire cost and expense of such installation, electrical current and maintenance, not exceeding one-sixth thereof, as the city or town council may determine.

Street railways to bear part of cost.

Council must pass resolution of intention.

Section 3. Before creating any Special Improvement Lighting District in any such city or town, for the purpose of lighting any street or streets or public highway, or section thereof, in accordance with the provisions of this Act, the Council shall pass a resolution of intention so to do, which resolution shall designate the number of such district, describe the boundaries thereof, and state therein the general character of the improvement or improvements which are to be made and an approximate estimate of the cost thereof; also an approximate estimate of the cost of maintaining such lights and supplying electrical current therefor for the first year, and the proportion of such cost to be assessed against the abutting property including such street or other railway.

Contents of resolution.

Notice of passage of resolution.

Upon having passed such resolution, the Council must give notice of the passage of such resolution of intention, which notice must be published for five days in a daily newspaper or in some one issue of a weekly newspaper in the city or town, or in case no newspaper be published in such city or town, then by posting for five days in three

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public places in the city or town, and a copy of such notice shall be mailed to every person, firm or corporation, or the agent of such person, firm or corporation having property within the proposed district, at his last known address, upon the same day such notice is first published or posted. Such notice must describe the general character of the improvement so proposed to be made and state the estimated cost thereof; also the estimated cost of maintaining the lights and supplying the electrical current therefor within such district for the first year; and designate the time when and the place where the Council will hear and pass upon all protests that may be made against the making of such improvement or the creation of such district, and such notice shall refer to the resolution on file in the office of the City Clerk for a description of the boundaries.

Copies of notice to be mailed to each owner in proposed district.

Notice to contain, what.

At any time within fifteen days after the date of the first publication of the notice of passage of the resolution of intention, any owner of property liable to be assessed for said work may make written protest against the proposed work or against the extent or creation of the district to be assessed or both. Such notice must be in writing and be delivered to the said Clerk of the City Council, who shall endorse thereon the date of its receipt by him.

Time within which written protest may be made by owner.

Protest to be filed where.

At the next regular meeting of the City Council, after the expiration of the time within which said protests may be so made, the City Council shall proceed to hear and pass upon all protests so made, and its decision shall be final and conclusive, provided, however, that when the protest is against the proposed work and the cost thereof is to be assessed upon property fronting thereon, and the the City Council finds that such protest is made by the owners of a majority of the property fronting on the proposed work, no further proceedings shall be taken for a period of six months from the date when said protest was received by the said City Clerk of said City Council.

Hearing.

When protest is made by a majority of property to be assessed, effect.

In determining whether or not sufficient protests have been filed in a proposed district to prevent further proceedings therein, property owned by a county, city or town shall be considered the same as other property in the district. The City Council may adjourn said hearing from time to time.

County, city or town property to be considered the same as other property.

When no protests have been delivered to the Clerk of the City Council within fifteen days after the date of the first publication of the notice of the passage of the resolution of intention, or when a protest shall have been found by the City Council to be insufficient or shall have been overruled, or when a protest against the extent of the

When council deemed to have acquired jurisdiction to order the proposed improvement.

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proposed district shall have been heard and denied, immediately thereupon the City Council shall be deemed to have acquired jurisdiction to order the proposed improvements; but before ordering any of said proposed improvements, the City Council shall pass a resolution creating the Special Improvement Lighting District in accordance with the resolution of intention theretofore introduced and passed by the City Council.

Resolution creating district.

The City or Town Council may cause the posts, wires, pipes, conduits, lamps or other suitable and necessary appliances, for the purpose of lighting said streets, to be procured and erected by contract or by the Street Commissioner, or by any other official of the city or town, in such way and manner as the Council shall provide, and after such lighting system has been installed, may, by contract, in such way and manner as the Council shall elect, cause the lights to be maintained thereon and electrical current furnished therefor, provided that the posts in any such district shall be of uniform size and character and shall be distributed uniformly upon the street or streets or public highways, or section thereof to be lighted in any such district.

Council may procure posts, conduits, etc., by contract.

Uniform size and distribution of posts in district.

Section 4. All cost and expenses incurred in the construction of the improvement specified in this Act shall be paid for by Special Improvement Lighting District bonds or warrants, in such form as may be prescribed by ordinance drawn against a fund to be known as "Special Improvement Lighting District No.....Fund." Said warrants or bonds shall be in the denomination of one hundred ($100.00) dollars or fractions or multiples thereof; and may be issued in instalments. Such warrants or bonds shall be redeemed by the Treasurer when there is money in the fund against which said warrants or bonds are issued available therefor, and may extend over a period not to exceed eight years and shall bear interest at the rate of six per cent per annum from the date of registration thereof, until called for redemption or paid in full, interest to be payable annually on the first day of January of each year as expressed by the interest coupon attached thereto, which may bear the engraved facsimile signature of the Mayor and City Clerk.

Special improvement district bonds or warrants.

Form of bonds or warrants.

When to be redeemed.

Interest rate.

Section 5. The cost and expense connected with and incidental to the formation of any such district including the cost of preparation of plans, specifications, maps, plats, engineering, superintendence and inspection, including the compensation of the City Engineer for work done by him and the cost of printing and advertising as provided in this Act, and the preperation of assessment rolls shall be considered a part of the cost and expenses of

Preparatory expense to be part of cost of creating district.

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making the improvements within such special Improvement District; and it shall be the duty of the City Engineer to keep an account of all costs and expenses incurred in his office in connection with every Special Improvement District, and certify the same to the City Clerk, whose duty it shall be to prepare all necessary schedules and resolutions levying taxes and assessments in such Special Improvement Districts.

City engineer must keep separate accounts.

Certification of costs to city clerk.

Section 6. It shall be the duty of the City or Town Council to ascertain the cost of installing such lighting system, and on or before the first Monday in October pass and finally adopt a resolution levying and assessing all of the property embraced within said district, including any street or other railway, with not less than one-fourth nor more than three-fourths of the entire cost of installing the same; each lot or parcel of land in said district to be assessed for that part of the whole cost which its linear feet in front of or abutting said street, avenue, alley or public highway, bears to the total number of linear feet in front of or abutting the streets, avenues, alleys or public highways included within said Special Improvement District, and levying and assessing against any street or other railway upon such street or public highway, or portion thereof, included in such district not to exceed one-sixth of the total cost of such installation, electrical current and maintenance, which proportion shall be determined by the City or Town Council. Any such resolution shall contain a list in which shall be described each lot or parcel of land, and any street or other railway with the name of the owner thereof, if known, and the linear number of feet fronting or abutting upon the street or public highway to be lighted, and the amount levied thereon set opposite. Such resolution, signed by the Mayor and City Clerk shall be kept on file in the office of the City Clerk, and a notice signed by the City Clerk stating that the resolution levying the assessment to defray the portion of the cost of installing and maintaining said lights and supplying electrical current therefor for the first year, as determined by the City or Town Council, is on file in his office subject to inspection for a period of five days, shall be published at least once in a newspaper published in the city. Such notice shall state the time and place at which objections to the final adoption of such resolution shall be heard by the City or Town Council, and the time for such hearing shall not be less than five days after the publication of such notice. At the time so fixed the Council shall meet and hear all such objections and for the purpose may adjourn from day to day, and may modify such resolution in whole or in part. A copy

Resolution assessing cost of installing improvement.

How cost apportioned to each lot.

Proportion to be levied against street railways.

Contents of resolution.

Resolution on file, where.

Notice of passing of resolution to be published.

What notice shall contain.

Hearing objections.

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Copy of resolution to be delivered to treasurer.

Creation of special fund.

Maintenance of lights, contract to be let, time limit.

Levying assessment for maintenance

How cost of maintenance, proportioned

Resolution of levy and assessment, procedure.

Creation of "Maintenance Fund."

Special assessment to be lien against property.

of such resolution as finally adopted, certified by the City Clerk, must be delivered within two days after its passage to the City Treasurer. All moneys derived from the collection of such assessments shall constitute a fund to be known as "Special Improvement Lighting District No. .....Fund."

Section 7. The lights in each district shall be maintained by contract for such period of time and in such way or manner as the City or Town Council shall elect, provided, however, that the City or Town Council shall not let a contract for a period to exceed three years. It shall be the duty of the City or Town Council to estimate, as near as practical, the cost of maintaining such lights and furnishing electrical current thereof each year; and the proportion thereof to be assessed against the abutting or other property, including any such street or other railway, and before the first Monday in October pass and finally adopt a resolution levying and assessing said property, including any such street or other railway, within said district with an amount equal to the proportion of the cost of such maintenance and electrical current so determined to be specially assessed against said property. Said resolution levying and assessing said portion of the cost of maintenance and for furnishing electrical current therefor shall be prepared and certified to in the same manner as the resolution provided for in the preceding section, and the same notice and hearing shall be given thereon, and shall be adopted and certified and the assessment collected in the same manner, as near as may be, as in the case of the resolution provided for in the preceding section. All moneys derived from the collection of the assessments provided for in such resolution shall be paid into a fund known as "Special Improvement Lighting District No. ..... Maintenance Fund," and the number of which shall correspond with the number of the Lighting District, for the maintenance of and the supplying of electrical current for which the tax is levied, and such fund shall be used to defray the expense of maintaining and furnishing electrical current for the lights in said district and for no other purpose. Any special assessment levied and made for any of the purposes aforesaid, together with all costs and penalties shall constitute a lien upon and against the property upon which said assessment is made and levied from and after the date of the final passage and adoption of the resolution levying the same; which lien can only be extinguished by payment of such assessment with all penalties, costs and interest.

Section 8. When under any of the provisions of this Act special taxes and assessments are assessed against any

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lot or parcel of land as the property of a particular person, no misnomer of the owner or supposed owner, or other mistake relating to the ownership thereof, shall affect such assessment, or render it void or voidable.

Mistake in ownership of property immaterial.

Section 9. All remedies, provisions and means provided by existing laws or by the ordinances of any city availing itself of the provisions of this Act for the correction of errors or omissions in the adoption of any resolution or proceeding, or in the levy of any assessment, or for the collection thereof, or for the enforcement of any such levy by sale of the property against which any assessment shall be made, or for the redemption of such property from such sale, or otherwise applicable to the administration of this Act shall be available in the administration hereof the same to all intents and purposes as would be the case were such remedies, provisions and means made a part hereof.

Correction of errors, remedies available to cities.

Section 10. If at any time after the creation of any Special Improvement Lighting District a petition shall be presented to the City or Town Council, signed by the owners or agents of more than three-fourths of the total number of linear feet of the property fronting or abutting upon any street or public highway or portion thereof, included within such district, asking that the maintenance and operation of such special lighting system and the furnishing of electrical current therefor, in such district, be discontinued, the City or Town Council shall thereupon, by resolution, provide for discontinuing the maintenance and operation of the lighting system; provided, however, that if the City or Town Council shall have, prior to the presentation of such petition, entered into any contract for the maintenance and operation of such lighting system, such maintenance and operation shall not be discontinued until after the expiration of the contract.

Petition for discontinuing operation of district, procedure.

Proviso.

Section 11. All Acts and parts of Acts in conflict herewith are hereby repealed, provided, however, that each and every Special Improvement Lighting District created or attempted to have been created, and each and every bond and warrant issued and each and every assessment made and heretofore created under and by virtue of any of the Acts of 1911 and 1913, shall not be invalidated, but the same are hereby validated, legalized and approved.

Repealing clause.

Saving clause.

Section 12. Whenever any lot, piece or parcel of land belonging to the United States, or mandatory of the government, shall front upon the proposed work or improvement, or be included within the district declared by the City or Town Council in its resolution of intention to be the district to be assessed to pay the costs and expenses thereof, said Council shall, in the resolution on intention, declare that said lots, pieces or parcels of land, or any of

Property of federal government, not liable for costs.

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them, shall be omitted from the assessment thereafter to be made to cover the costs and expenses of said work or improvement and the cost of said work or improvement in front of said lots, pieces or parcels of land shall be paid by the city from its general fund.

Payable out of general fund of city.

Section 13. This Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1915.

CHAPTER 144.

"An Act to create the Seventeenth Judicial District of the State of Montana, to be composed of the counties of Phillips, Valley, and Sheridan: to change the boundaries of the Twelfth Judicial District of the said State of Montana to conform thereto, and to provide one judge for the said Twelfth Judicial District: and to provide for the designation, powers, duties, term, and compensation of the judge of the said Seventeenth Judicial District."

Be it enacted by the Legislative Assembly of the State of Montana:

Counties embraced in Seventeenth Judicial District.

Section 1. That there is hereby created a new judicial district of the State of Montana, to be known as the Seventeenth Judicial District of the State of Montana, and that the same shall embrace and comprise the territory within the counties of Phillips, Valley, and Sheridan within the State of Montana, which from and after the passage of this Act shall constitute the Seventeenth Judicial District of the State of Montana.

Boundaries of Twelfth Judicial District.

Section 2. That the Twelfth Judicial District of the State of Montana shall hereafter embrace the territory within the counties of Choteau, Hill, and Blaine, and shall have but one judge.

Governor to appoint Frank N. Utter to vacancy.

Section 3. That within thirty days after the passage and approval of this Act, the Governor of this State shall designate and appoint the Honorable Frank N. Utter as Judge of the said Seventeenth Judicial District.

Powers of appointed judge.

Section 4. That the powers, duties, compensation, and term of office of the Judge of the Seventeenth Judicial District shall be the same as those provided by law and the Constitution of the State of Montana for District Judges.

Saving clause.

Section 5. The provisions of this Act shall not work the removal of any Clerk of the District Courts of either the counties of Phillips, Valley, or Sheridan, or affect their salaries.

Repealing clause.

Section 6. All Acts and parts of Acts in conflict herewith are hereby repealed.

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Section 7. This Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1915.

CHAPTER 145.

"An Act to amend and re-enact Sections 5, 9, 24, 25, 31, 32, 33, 34, 36, 37, 40, 43, 44, 46, 47, 49, 52, 53, 57, 63, and 65, Chapter 146 of the Montana Session Laws, 1909, relating to the creation, organization, government, and change in area of irrigation districts."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5 of Chapter 146, Montana Session Laws, 1909, is hereby amended to read as follows:

"Section 5. Qualifications of Commisisoners and Term of Office. No person shall be qualified to hold the position of Commissioner unless he be an owner of land within the district, and shall be a resident of the county in which the division of the district, or some portion thereof for which such Commissioner so elected is situated.

Qualification of commissioners.

The Commissioners appointed as aforesaid shall hold their respective offices until the second Saturday in April following their appointment and until their respective successors are elected and qualified as and in the manner hereinafter provided. Each of such Commissioners shall qualify in the same manner as Justices of the Peace, and shall give a bond in the sum of Two Thousand Dollars, conditioned upon the faithful performance of his duties, to be made payable to the State for the benefit of the district; which bond shall be approved by the district court or judge thereof and filed in the office of the clerk of said court.

How long commissioners shall hold office.

How commissioners shall qualify.

Shall give bond.

Approval and filing of bond.

Provided, that in case any District organized under this title is appointed fiscal agent of the United States or by the United States is authorized to make collections of moneys for and on behalf of the United States in connection with any Federal reclamation project, each such Commissioner shall execute a further and additional official bond in such sum as the Secretary of the Interior may require, conditioned for the faithful discharge of the duties of his office and the faithful discharge by the District of its duties as fiscal or other agent of the United States under any such appointment or authorization, and any such bond may be sued upon by the United States or any person injured by the failure of such Commissioner or the District to fully, promptly, and completely perform their respective duties."

Additional bond to the federal government, when.

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Section 2. That Section 9 of Chapter 146, Montana Session Laws, 1909, is hereby amended to read as follows:

The board of commissioners shall constitute the corporate authority of the district.

"Section 9. The Board of Commissioners. Their Status, Powers, and Duties. The Board of Commissioners of every irrigation district established and organized under and by virtue of this Act shall constitute the corporate authority of said district. They shall have the power, and it shall be their duty to manage and conduct the business and affairs of the district; adopt a corporate seal therefor; make and execute all necessary contracts; employ and appoint such agents, officers, and employees as may be required, and prescribe their duties. The Board and its agents and employees shall have the right to enter upon any land to make surveys, and may locate the necessary irrigation works and the line for any canal or canals, and the necessary branches for the same, on any lands which in the judgment of the Board may be deemed best suited for such location. Said Board shall have power and authority to appropriate water in the name of the district, and to acquire by purchase water and water rights, and to acquire by purchase, condemnation, or other legal means, lands for rights-of-way, lands for reservoirs for the storage of needful waters, lands for dam sites, and such other lands as may be necessary for the construction, use, maintenance, repairs, and improvement of such system of works, and also to acquire by purchase canals and works already constructed, or in course of construction, and to contract with the owner or owners of such canals and works so purchased and in course of construction for the completion thereof. But no purchase of any water, or water rights, or canals, or reservoirs, or reservoir sites or irrigation works, or other property of any nature or kind for a price in excess of Ten Thousand Dollars shall be final or binding on the district, nor shall the purchase price thereof be paid without the written consent or petition of at least a majority in number and acreage of the holders of title, or evidence of title to the lands within the district. Said Board may enter into any obligation or contract with the United States for the construction, operation, and maintenance of the necessary works for the delivery and distribution of water therefrom under the provisions of the Federal Reclamation Act and all Acts amendatory thereof or supplementary thereto and the rules and regulations established thereunder; or the Board may contract with the United States for a water supply under any Act of Congress providing for or permitting such contract, and in case contract has been or may hereafter be made with

Powers and duties.

Corporate seal.

May enter upon any lands of district to make surveys, and locate works and canals.

May appropriate water in the name of the district.

May acquire by purchase or condemnation rights of way, etc.

Purchase of a property for a sum exceeding $10,000, not binding without written consent of a majority of holders of title.

Powers with reference to Federal Reclamation Act.

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the United States as herein provided, bonds of the District may be deposited with the United States at ninety per cent of their par value, to the amount to be paid by the District to the United States under any such contract, the interest on said bonds to be provided for by assessment and levy as in the case of other bonds of the District, and regularly paid to the United States to be applied as provided in such contract, and if bonds of the District are not so deposited it shall be the duty of the Board of Commissioners to include as part of any levy or assessment provided for in Section 46, an amount sufficient to meet each year all payments accruing under the terms of any such contract; and the Board may accept on behalf of the District, appointment of the District as fiscal agent of the United States, or authorization of the District by the United States to make collections of moneys for or on behalf of the United States in connection with any Federal Reclamation project, whereupon the District shall be authorized to so act and to assume the duties and liabilities incident to such action, and the said Board shall have full power to do any and all things required by the Federal statutes now or hereafter enacted in connection therewith, and all things required by the rules and regulations now or that may hereafter be established by any department of the Federal Government in regard thereto. Said Board may also construct and maintain the necessary dams, reservoirs and works for the collection and distribution of water for the District, and do any and every lawful act necessary to be done in order that sufficient water may be furnished to each land owner in the District for irrigation purposes. The said Board is hereby authorized and empowered to take conveyances or other assurances for all property acquired by it under the provisions of this Act, in the name of the District, to and for the uses and purposes herein expressed, and to institute and maintain any and all actions and proceedings, suits at law or in equity, necessary or proper in order to fully carry out the provisions of this Act, or to enforce, maintain, protect or preserve any and all rights, privileges and immunities created by this Act, or acquired in pursuance thereof, and in all courts, suits, or proceedings, the said Board may sue, appear and defend in person or by attorneys, and in the name of such irrigation district. The said Board may adopt rules and by-laws governing the calling and holding of meetings of the Board, the manner of transacting business thereat, and the publishing or posting of the orders, resolutions, and proceedings of the Board. It shall be the duty of said Board to pass or adopt by-laws,

Deposit of bonds with United States, to what amount.

Interest on bonds, how provided for.

Board to include what as part of levy provided for in Sec. 46.

Board may become collecting agent for United States, under the Reclamation Act.

Other powers of board.

Adopt rules and by-laws governing the calling and holding of meetings.

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By-laws, rules and regulations for apportionment and distribution of water.

rules and regulations for the apportionment and distribution of water to the lands of the district, and for the protection and preservation of the works and other property of the district, which shall be printed in convenient form for distribution in the District. Said Board shall have power generally to do and perform all such other acts as shall be necessary or appropriate to fully carry out the purposes of this Act. All orders and resolutions shall be passed or adopted by a majority of the Commissioners by a yea and nay vote, to be entered upon the records of the Board. For the purpose of purchasing or constructing necessary irrigation canals or works or acquiring the necessary property and rights therefor and otherwise carrying out the provisions of this Act, the Board of Commissioners of any such irrigation district must as soon after such district has been organized, as practicable, formulate a general plan for such purchase, construction, and acquisition of such property, and shall cause such surveys, examinations, and plans to be made as shall demonstrate the practicability of such plan, the amount of land that can be irrigated thereunder, and furnish the proper basis for an estimate of the cost of carrying out such plan and the value of any canal, works, property, or system of irrigation proposed to be purchased. All such surveys, examinations, maps, plans, and estimates shall be made by or under the direction and supervision of an irrigation engineer of well known standing and competency, and all such necessary surveys, examinations, maps, plans, and estimates must be certified to by him. When all such are completed, he shall submit them with all proper field notes to and file them with the Board of Commissioners accompanied by his report and recommendation thereon. This report shall include a discussion of said plans by him submitted to said Board, of the question of water supply, of the sufficiency of the works proposed to accomplish the desired results, of the practicability of the proposed system from an engineering standpoint, of the probability of being acquired or constructed within the estimate of the cost stated, and such general discussion and recommendations in regard to the engineering and financial features of the whole matter as in the judgment of such engineer shall be desirable for the information of the people of the District. Such report shall be accompanied by a map when such is necessary for a proper explanation or understanding of the same. Upon receiving such report said Board of Commissioners shall proceed to determine the amount of money necessary to be raised for the purchase or construction of said proposed property, canals, or irrigation works

Orders and resolutions passed by a majority of board to be entered of record.

Other duties.

By whom examinations, surveys, etc., shall be made and certified.

Engineer shall submit and file surveys, etc., with the board.

What engineer's report shall include.

When map shall accompany report.

Board shall then determine amount of money necessary to be raised.

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and system, and within ten days after arriving at such determination shall cause the Secretary of said Board to notify all persons or corporations holding, or evidence of title, to lands within said district (ascertained as provided in Section 1 of this Act) of the filing of said report and their determination thereon. Said notices shall be given through the United States mail by letter addressed to such persons or corporations at their last known post-office address of each person or corporation aforesaid. A certificate of the Secretary of the Board as to the fact of mailing said notice, affixed to a copy of said notice and recorded in the Record Book of said Board of Commissioners, shall be sufficient and conclusive evidence of such fact."

Secretary shall notify title holders of filing of report and determination of board thereon.

How notice shall be given.

Proof of service of notice.

Section 3. That Section 24 of Chapter 146, Montana Session Laws, 1909, is hereby amended to read as follows:

"Section 24. Changes in Area of Districts. (a) The boundaries of any irrigation district may be extended at any time to include lands susceptible of irrigation by the works of the district or through exchange or substitution of water, as hereinafter provided, excluding and excepting therefrom, however, all lands already under irrigation, or lands having water rights appurtenant thereto, or lands that can be irrigated from sources more feasible than the district system, unless the owner of such lands shall consent in writing to have such lands included in said district; provided, however, that a petition be presented to the district court of the judicial district in which the irrigation district was organized, asking for such extension, upon terms to be fixed by the Court, signed by the holders of title, or evidence of title (evidenced as in Section 1 of this Act provided) of the lands proposed to be included in the District, representing not less than two-thirds in acreage of said lands. When such petition is presented, the district court or judge thereof shall appoint a day for a public hearing, notice of which shall be given by the clerk of the court by publication at least once a week for at least two weeks in a newspaper published or of general circulation in the county in which the office of the district is situated; and if any of said lands sought to be included in the district lie in a county or counties other than that in which the office of the district is situated, such notice shall also be likewise published in some newspaper published or of general circulation in each such other county or counties; or if there be no such newspaper, then such notice shall be posted in at least three public places in the territory sought to be included. At such public hearing, the district court

When extensions of district can be made and what it may affect and embrace.

Petition to District Court.

Hearing of petition by court, notice.

Publication of notice where lands in other counties are to be embraced in extension.

Proceedings at hearing.

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shall hear those who may desire changes made in the proposed extension, and all those whose lands are included or sought to be included in the district, and all other persons whose rights may be affected by the proposed extension. Such public hearing may be adjourned from day to day, not exceeding twenty days in all, and the court shall make an order, either granting or denying said petition; and if said petition is granted, said order shall describe the lands included in said extension and the terms on which said land shall be included, and a copy of said order shall be filed with the County Clerk and Recorder in the county wherein said lands are situated. The order of the district court shall be final and conclusive, the same as the order originally creating the district, unless appealed from to the Supreme Court within ten days from the entry of the order; provided, however, that the extension of such boundaries shall not deprive the lands already in said district of an adequate supply of water for irrigation purposes.

Adjournments.

Order of court when petition is granted.

Effect of order.

Proviso.

Taxable acreage contained in tract, how fixed and adjudicated.

(b) That whenever any lot, tract, or parcel of land has been heretofore, or may hereafter be included within the boundaries of any public irrigation district formed under the laws of this State, and the acreage thereof fixed and stated in the decree for the creation of said district or in any other proceeding relating thereto, is fixed at a greater number of acres than actually exists within such lot, tract, or parcel of land, or at a greater number of acres than can be irrigated from the reclamation system of said district; or whenever from any action or proceeding by or on behalf of said district or its Commissioners, any such lot, tract, or parcel of land included therein has been or is about to be assessed for a greater acreage than exists therein, or can be irrigated from the reclamation system of said district, the owner or holder of title, or evidence of title to said lands as defined by the irrigation district acts, may have the taxable acreage contained therein fixed and adjudicated as provided for by this Act.

Petition to fix acreage.

(c) That the owner or holder of title, or evidence of title, as defined by the irrigation district Acts, may file in the district court of the county wherein said lands are situated a petition praying that the acreage of the lands set forth and described in such petition may be permanently fixed and adjudicated, which petition shall set forth:

Contents of petition.

1. The name or names of the owner or owners, holder of title, or evidence of title thereto, who shall be the party or parties "Plaintiff" therein.

2. The names and kind and character of interest of

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every person owning, holding, or claiming any right, title, or interest in or to the lands described in said petition, who shall, where they do not appear as parties Plaintiff under subdivision 1 hereof, sit as parties "Defendant."

3. The name of the district in which said lands are included, together with the name of the Board of Commissioners thereof, and the Secretary thereof, and the name or names of the bondholders, if any, thereof, if known; and said district, its Commissioners, Secretary, and the known or unknown bondholders thereof shall be made parties defendant therein.

4. A statement of the substance of all proceedings, orders, and decrees creating said districts and fixing the acreage of the lands therein described, together with any proceedings of the Board of Commissioners of said district, or its officers, relating to the acreage thereof, to such extent as to fully inform the Court of the manner and extent to which said lands have been included and taxed or assessed in said district.

5. The actual acreage of the lands described irrigable from the reclamation system of said district.

6. The excess of acreage complained of.

7. The amount of taxes previously paid on such excess acreage.

8. A general statement of the exact nature of the relief sought and the grounds therefor.

Summons to issue.

(d) That upon the filing of such petition, summons shall be issued thereon and served upon all parties defendant thereto, with a copy of the petition attached thereto, in the same manner and in the same form as are issued in civil actions.

Where unknown bondholders are parties, summons by publication.

(e) That whenever the bondholders of any district who are necessary parties to such a proceeding are unknown, they may be joined as the unknown bondholders of said district, and whenever said bondholders are unknown or any necessary party thereto can not after due diligence be found within the State of Montana, service upon such party or parties, including said bondholders, may be had by publication of a summons which shall be obtained, issued, and published in the same manner as a published summons in a civil action.

Rules of reading and practice applicable.

(f) That the provisions of the Code of Civil Procedure of the State of Montana, and the rules of pleading and practice applicable to civil actions generally shall apply, so far as applicable, to this proceeding.

Hearing and determination of issues.

(g) That if the allegations of such petition be denied the District Court shall, when the time for appearance of the parties defendant thereto has expired and said

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parties have appeared by answer or made default, proceed to hear and determine the issues in said proceedings as joined.

What judgment shall determine.

(h) Upon the hearing of said petition the Court shall by its decree, fix, and determine the irrigable acreage contained in the lots, tracts, or parcels of land complained of, and the acreage so fixed by such decree shall be the acreage upon which all assessments of said lands in said irrigation district shall thereafter be based, and upon said hearing the Court shall determine the amount of taxes, if any, which have theretofore been levied and assessed upon any excess or non-existent acreage, and shall enter judgment in favor of the owner or holder thereof and against said district for the excess of taxes theretofore collected by said district, or shall cancel such excess if the same shall not have been collected for the benefit of said district: Provided, however, that no judgment for the recovery of excess taxes paid shall be entered against any district until there shall have been deducted therefrom any unpaid valid taxes and assessments levied and assessed for the benefit of said district against the lands described in said petition, and all sums so recovered shall bear interest at the rate of eight per cent per annum from the date of payment by the land holder, and said judgment shall bear legal interest from the date of entry; and the judgment so rendered may be paid by warrants or funds of said future taxation upon said lands, and costs shall be allowed to the plaintiff in the same manner as other civil actions.

Judgment for recovery of excess taxes, what to be deducted.

Judgment to bear legal interest.

Appeal to Supreme Court, time for taking.

(i) From any such judgment or decree an appeal may be taken to the Supreme Court by any party thereto, at any time within ten days of the entry of said judgment or decree. Such appeal shall be taken, perfected, and heard in the manner prescribed by the Civil Code of Procedure governing appeals from the District Court to the Supreme Court. If no such appeal be taken within the time aforesaid, or if taken, the judgment or decree of the District Court shall be affirmed by the Supreme Court, such judgment or decree shall be forever conclusive upon the parties thereto.

Judgment conclusive, when.

What judgment shall not determine, as to boundaries.

Provided, that in case contract has been made between the District and the United States as in Section 9 provided, no change shall be made in the boundaries of the District, and the District Court shall make no order changing the boundaries of the District until the Secretary of the Interior shall assent thereto in writing and such assent be filed with the District Court."

Section 4. That Section 25 of Chapter 146, Montana Session Laws, 1909, is hereby amended to read as follows:

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Contracts for construction of works.

"Section 25. Contracts. The construction by the District of all irrigation works of every kind whatsoever, amounting to Five Thousand Dollars or more, shall be done by contract, and before any such contract is let, the Board of Commissioners shall employ competent engineers to make surveys, plans, maps, and estimates which shall include everything necessary to show the entire cost in detail of everything necessary to complete the work required to irrigate any of the lands in the District under the proposed system. Notice of any contract to be awarded for construction of such works shall state where the plans and specifications may be seen and shall be published at least once a week for three successive calendar weeks in a newspaper published or of general circulation in the county where the office of the district is located. Sealed bids shall be called for in such published notice and bids shall be opened in public, and the contract shall be awarded only to the lowest responsible bidder, who shall be required to give bond for the faithful performance and completion of the contract. The Board shall have the right to reject any and all bids in its discretion. The provisions of this section shall not apply to any contract for the completion of works in course of construction by private owners from whom said works may be acquired under the provisions of Section 9 of this Act. Provided, that the provisions of this section shall not apply in the case of any conract between the District and the United States."

Surveys, plans, maps and estimates.

Notice for bids; contents and publication thereof.

Bids and awarding of contract.

Bond of contractor.

To what shall this section not apply.

Section 5. That Section 31, of Chapter 146, Montana Session Laws, 1909, is hereby amended to read as follows:

"Section 31. Use of Waters, Etc., a Public Use. The use of all water required for the irrigation of the land of any district formed under the provisions of this Act, together with the rights of way for canals and ditches, sites for reservoirs, and all property required in fully carrying out the provisions of this Act, is hereby declared to be a public use, subject to the regulations and control of the State, in the manner prescribed by law. Provided, all water, the right to the use of which is acquired by the District under any contract with the United States, shall be distributed and apportioned by the District in accordance with the Acts of Congress, and rules and regulations of the Secretary of the Interior, and the provisions of said contract in relation thereto."

"Public use" as declared under this Act.

Apportionment of water acquired under contract with federal government.

Section 6. That Section 32 of Chapter 146, Montana Session Laws, 1909, is hereby amended to read as follows:

"Section 32. Board to Apportion Water. The Board

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Apportionment of water amongst lands in district.

of Commissioners shall apportion the water for irrigation among the lands in the District in a just and equitable manner and the maximum amount apportioned to any land shall be the amount that can be beneficially used on said land, and such amount of water shall become and shall be appurtenant to the land and inseparable from the same, but subject to reduction as hereinafter provided; provided, however, that any water owner of the District shall have the right to sell or assign for one season any of the water apportioned to him and not required for use upon the land to which such water belongs. Provided, all water, the right to the use of which is acquired by the District under any contract with the United States, shall be distributed and apportioned by the District in accordance with the Acts of Congress, and rules and regulations of the Secretary of the Interior, and the provisions of said contract in relation thereto."

Water to become appurtenant to the land but subject to reduction.

Owner of water may sell or assign same for one season.

Proviso as to water acquired under contract with United States.

Section 7. That Section 33, of Chapter 146, Montana Session Laws, 1909, is hereby amended to read as follows:

In case of shortage, proportional reduction to be made.

"Section 33. Reduction in Case of Shortage. In the event of a shortage of water, the amount of water delivered to each particular tract or piece of land shall be reduced proportionately. Provided, all water, the right to the use of which is acquired by the District under any contract with the United States, shall be distributed and apportioned by the District in accordance with the Acts of Congress, and rules and regulations of the Secretary of the Interior, and the provisions of said contract in relation thereto."

Proviso, as above.

Section 8. That Section 34 of Chapter 146, Montana Session Laws, 1909, is hereby amended to read as follows:

Sale of surplus water.

"Section 34. Surplus Water. All surplus water belonging to the District may be sold or disposed of by the Board for the benefit of the District. Provided, all water, the right to the use of which is acquired by the District under any contract with the United States, shall be distributed and apportioned by the District in accordance with the Acts of Congress, and rules and regulations of the Secretary of the Interior, and the provisions of said contract in relation thereto."

Proviso as above.

Section 9. That Section 36 of Chapter 146, Montana Session Laws, 1909, is hereby amended to read as follows:

Substitution or exchange of waters by contract.

"Section 36. Substitution of Water. Whenever any canal constructed, owned, or controlled by the District crosses any creek, stream, water channel or course, the water of which is used to irrigate land lying below such

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canal, the District shall have the right to contract with the owner or owners of the right to the use of the water or waters in any such stream, creek, water channel or course, for an exchange of water, and to supply him with water from the district system which contract shall be in writing, signed and acknowledged by all the parties thereto before some officer authorized to take acknowledgments, which acknowledgment shall be certified by such officer in the manner that deeds are now required to be certified to entitle them to be recorded, and shall be filed and recorded in the office of the Clerk and Recorder of the county in which the creek, stream, water channel or course is situated, and thereafter such District shall have the right to supply such land below the canal, whether such land is included in the District or not, with water from the works ofw the District, and the owner or lessee of such land shall, in such case, be furnished with the same quantity of water as that to which such owner or lessee would be entitled out of such creek, stream, water channel or course, had the District works not been built. The District shall have the right to appropriate and take possession of the water so replaced and shall have the same right to such water as the owner or lessee of the land had, so long as such water shall be replaced by a like quantity of water from such works, but the appropriating and taking of such water by the District shall never deprive such owner or lessee of the right to re-take and use the same, should such owner or lessee at any time be prevented from having or using a like quantity of water from such works; and the District shall also have the right to make appropriation and take possession of such water at any point, and to sell, lease, or use such water on any land either above or below the canal, and the appropriation of such water at any point or selling, leasing, or using the same shall not prejudice the right of the District to the water and shall not increase the rights of the owner or owners of any other water right on such creek, stream, water channel or course. Provided, all water, the right to the use of which is acquired by the District under any contract with the United States, shall be distributed and apportioned by the District in accordance with the Acts of Congress, and rules and regulations of the Secretary of the Interior, and the provisions of said contract in relation thereto."

Contract to be in writing, executed and acknowledged, filed and recorded.

When lands not included in district may be supplied with water.

Quantity of water to which such owner shall be entitled.

When owner or lessee may retake such water.

What use district may make of such water.

Proviso same as above.

Section 10. That Section 37 of Chapter 146, Montana Session Laws, 1909, is hereby amended to read as follows:

"Section 37. All Lands Already Under Irrigation Not

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What lands not to be charged with any assessment for construction of works or for payment of principal or interest of district bonds.

Such lands may be charged with operation and maintenance costs.

Chargeable Except by Consent and for Certain Purposes. Where lands already under irrigation, the water and irrigation works irrigating the same belonging to the owner of said lands, are included in any district, such lands shall not be charged with any tax or assessment for construction or for payment of the interest or principal of any bonds issued to secure money for construction or purchase of the district irrigation works, or for any payments other than for operation and maintenance, due or to become due under any contract between the District and the United States, accompanying which bonds of the District have not been deposited with the United States as in Section 9 provided, except with the consent of the owner thereof, which consent shall be filed with the recorder of deeds of the county in which such lands are situated, but such lands shall be assessed for administrative and maintenance purposes the same as other lands in the district."

Section 11. That Section 40 of Chapter 146, Montana Session Laws, 1909, is hereby amended to read as follows:

Coupon bonds: purposes for which same may be issued.

"Section 40. Petition for Bonds and Action Thereon. For the purpose of providing the necessary funds for constructing necessary irrigation canals and works, and acquiring the necessary property and rights therefor, and meeting the expenses incident thereto, and for the purpose of acquiring by purchase or otherwise, water rights, canals, and irrigation works constructed or partially constructed, and for the purpose of otherwise carrying out the provisions of this Act, the Board of Commissioners of any District organized hereunder may issue the negotiable coupon bonds of the District as and in the manner hereinafter provided. No bonds shall be issued by or on behalf of any irrigation district organized hereunder, except upon petition signed by at least a majority in number and acreage of the holders of title or evidence of title to the lands included within said District. Such petition shall be addressed to the Board of Commissioners; shall set forth the aggregate amount of bonds to be issued, and the purpose or purposes thereof; shall have attached thereto an affidavit verifying the signatures; and shall be filed with the Secretary of the Board of Commissioners. Upon the filing of such petition the Board of Commissioners shall by appropriate order or resolution authorize and direct the issuance of the bonds of the District to the amount and for the purpose or purposes specified in the petition; fix the numbers, denominations, and maturity or maturities of said bonds; specify the rate of interest thereon; and whether

Bonds shall not be issued except upon petition signed by a majority in number and acreage.

Petition for bonds; how addressed and contents thereof.

Shall be filed with secretary of board.

Resolution authorizing issuance of bonds.

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payable annually or semi-annually; designate the place of payment of said bonds and interest coupons; prescribe the forms of said bonds and interest coupons to be attached thereto; but if contract is to be made with the United States as in Section 9 provided and bonds are not to be deposited with the United States in connection with such contract, the Board of Commissioners need not authorize the issuance of bonds, or if bonds are required in addition to such contract, may authorize bonds only for the amount needed in addition to such contract; and provide for the levy of a special tax or assessment as in this Act provided on all the lands in the District for the irrigation and benefit of which said District was organized and said bonds are issued, or said contract is to be made, sufficient in amount to pay the interest on and principal of said bonds when due, and all amounts to be paid to the United States under any contract between the District and the United States accompanying which bonds of the District have not been deposited with the United States as in Section 9 provided.

Contents.

When board not to issue bonds.

Special tax or assessment.

Such order or resolution shall also provide for the confirmation proceedings in the district court hereinafter mentioned."

Resolution to provide for confirmation proceedings.

Section 12. That Section 43 of Chapter 146, Montana Session Laws, 1909, is hereby amended to read as follows:

"Section 43. Lien of Bonds. All bonds issued hereunder, and all amounts to be paid to the United States under any contract between the district and the United States accompanying which bonds of the District have not been deposited with the United States as in Section 9 provided, shall be a lien upon all the lands originally or at any time included in the District for the irrigation and benefit of which said irrigation district was organized and said bonds were issued; and for the benefit of which such contract between the District and the United States was made; except upon such lands as may at any time be included in such district, on account of the exchange or substitution of water under the provisions of Section 36 of this Act and if any there be; and all such lands shall be subject to a special tax or assessment for the payment of the interest on and principal of said bonds; and all amounts to be paid to the United States under any such contract between the District and the United States; and said special tax or assessment shall constitute a first and prior lien on the lands against which levied to the same extent and with like force and effect as taxes levied for state and county purposes."

Lien of bonds.

Lands excluded from lien of bonds.

Special taxes and assessments for payment of principal and interest, first lien on lands.

Section 13. That Section 44 of Chapter 146, Montana

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Session Laws, 1909, is hereby amended to read as follows:

Bonds, how sold.

"Section 44. Sale of Bonds. Bonds issued hereunder shall be issued, negotiated, and sold by or under the direction of the Board of Commissioners, but shall never be sold for less than ninety (90) per cent of their par value and accrued interest thereon to date of delivery.

Minimum price.

Bonds may issue in direct payment of purchase of certain properties or may be deposited with United States.

Any bonds issued hereunder may in the discretion of the Board of Commissioners be issued direct in payment and satisfaction of the contract or purchase price of any irrigation works, canals, water, water rights, or other property constructed or acquired by or for the District, or may be deposited with the United States as in Section 9 provided."

Section 14. That Section 46 of Chapter 146, Montana Session Laws, 1909, is hereby amended to read as follows:

Taxes and assessments to pay bonds and interest.

"Section 46. Tax or Assessment to Pay Bonds and Interest. All bonds and the interest thereon issued hereunder, and all payments due or to become due to the United States under any contract between the District and the United States, accompanying which bonds of the District have not been deposited with the United States as in Section 9 provided, shall be paid by revenue derived from a special tax or assessment levied as hereinafter provided, upon all the lands included in the district, except upon such lands as have been included in such district, on account of the exchange or substitution of water under the provisions of Section 36 of this Act if any there be; and all the lands in the District at the time said bonds are issued and all lands subsequently included which are so chargeable under the provisions of this Act, shall be and remain liable to be taxed and assessed for the payment of said bonds and interest, and all payments due or to become due to the United States under any contract between the District and the United States, accompanying which bonds of the District have not been deposited with the United States as in Section 9 provided.

Exception.

What lands taxable.

Duties of board of commissioners regarding levy and collection of special tax and assessment.

It shall be the duty of the Board of Commissioners of the District in the order or resolution authorizing and directing the issuance of bonds of the District, mentioned in Section 40 of this Act, to provide for the annual levy and collection of a special tax or assessment upon all the lands included in the district and subject to taxation and assessment as aforesaid, sufficient in amount to meet the interest on said bonds promptly when and as the same accrues, and to discharge the principal thereof at their maturity, or respective maturities, and to meet

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all payments due or to become due to the United States under any contract between the District and the United States, accompanying which bonds of the District have not been deposited with the United States as in Section 9 provided at the times such payments by such contract become due and payable. Where straight maturity bonds are issued, it shall be the duty of the Board of Commissioners of the District to create and maintain a sinking fund sufficient to pay and discharge said bonds at maturity. If said bonds shall be issued for twenty years or less, there shall be annually levied for such sinking fund a special tax or assessment as aforesaid, sufficient to produce a net amount represented by the quotient found by dividing the aggregate amount of the principal of the bonds by the number of years the bonds have to run; but if said bonds are issued for more than twenty years, then it shall not be necessary to levy a special tax or assessment for sinking fund until the twentieth year prior to the maturity of the bonds, at which time and each year thereafter there shall be levied and collected a special tax or assessment sufficient to produce a net sum equal to one-twentieth part of the aggregate amount of the principal of the bonds. A certified copy of such resolution shall be filed with the Clerk of the Board of County Commissioners of each county in which the lands of the irrigation district lie, and the special tax or assessment therein provided for shall be levied and collected as hereinafter prescribed, and when so collected shall by the County Treasurer having custody of the funds of the district, be placed in a special fund and used solely for the payment of all amounts due or to become due to the United States under any contract between the District and the United States, accompanying which bonds of the District have not been deposited with the United States as in Section 9 provided, and for the payment of the interest on and principal of said bonds when due so long as any of said bonds or the interest coupons thereto appertaining remain outstanding and unpaid. In the event that for any reason, any special tax or assessment hereinabove provided for cannot or shall not be levied and collected in time to meet any interest falling due on any bonds issued hereinunder, then the Board of Commissioners shall have the power and authority and it shall be their duty to provide for and pay such interest when due either out of any of the funds in hand in the treasury of the district not otherwise appropriated, or by warrants (which may bear interest at a rate not to exceed six per centum per annum), drawn against the next district tax or assessment levied or to be levied.

Sinking fund shall be maintained.

Tax and assessment to be levied for the sinking fund.

Sinking fund tax where bonds run longer than twenty years.

Certified copies of resolution to be filed where.

Special fund created, to be used for what purposes.

Payment of interest when taxes are not collected in time to meet interest due.

Warrants drawn against next assessment.

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Said warrants shall be in addition to those mentioned in Section 38 of this Act.

Board of commissioners shall have authority to invest sinking fund in interest bearing securities.

Sinking Fund Investments. The Board of Commissioners shall have power and authority to direct the investment of the funds in any bond sinking fund aforesaid, in interest bearing securities, whenever in their judgment the same may be to the best interest of the District. But all such securities shall be converted into cash in time to meet the principal on the bonds payable from such sinking fund, promptly at their maturity."

Section 15. That Section 47 of Chapter 146, Montana Session Laws, 1909, is hereby amended to read as follows:

Portion of the bonded indebtedness lands afterwards included shall bear to be determined by the district court.

"Section 47. Added Lands to Pay Proportional Share of Bonded Indebtedness. Where a district is extended after the construction of works of irrigation, to include other irrigable lands, such included lands shall be chargeable with such proportion of the bonded indebtedness incurred or authorized to be incurred by the District, and such proportion of the indebtedness incurred under any contract between the District and the United States, accompanying which bonds of the District have not been deposited with the United States, as in Section 9 provided, as the district court shall order as provided in Section 24 of this Act; and the Board of Commissioners of the District shall provide for the levy of a special tax or assessment against such included lands on account of said bonds and the interest thereon; and on account of any payments under any contract between the District and the United States, accompanying which bonds of the District have not been deposited with the United States as in Section 9 provided, and said special tax or assessment shall be levied and collected as and in the manner as the special tax or assessment against the lands of the original district on account of the payments under any contract between the District and the United States, accompanying which bonds of the District have not been deposited with the United States as in Section 9 provided, and on account of said bonds and the interest thereon is provided for, levied and collected."

Levy of a special tax against such lands.

How levied and collected.

Section 16. That Section 49 of Chapter 146, Montana Session Laws, 1909, is hereby amended to read as follows:

When board of commissioners shall levy annual taxes of district.

"Section 49. Annual Levy. On or before the second Monday in July of each year, the Board of Commissioners of each irrigation district organized hereunder shall ascertain the total amount required to be raised in that year for the general administrative expenses of the district, including cost of maintenance and repairs, and

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interest on and principal of the outstanding bonded or other indebtedness of the District, including any indebtedness incurred under any contract between the District and the United States, accompanying which bonds of the District have not been deposited with the United States as in Section 9 provided, and shall levy against each forty-acre tract or fractional forty-acre tract of land in the district (or where lands shall be owned and held in twenty-acre tracts or less, then against each such tract), that portion of the said amount so to be raised which the area of such tract bears to the total area of all the lands in the district.

Apportionment of taxes when parts of tract have been sold.

In the event that the ownership of any forty-acre tract or fractional forty-acre tract of land in the district shall be divided after a special tax or assessment against the same has been levied, each or either of the owners of such divisions shall be entitled to have such special tax or assessment equitably apportioned to and against such divisions so that each such owner shall be enabled to pay such special tax or assessment against his portion of such tract and have the same discharged from the lien thereof."

Section 17. That Section 52 of Chapter 146, Montana Session Laws, 1909, is hereby amended to read as follows:

Series of bonds, funds to be kept separate.

"Section 52. Funds for Payment of Each Series of Bonds to Be Kept Distinct. When more than one series of bonds shall have been issued by a District, the funds for the payment of each series shall be kept separate and distinct, and when contract is made between the District and the United States, accompanying which bonds of the District have not been deposited with the United States as in Section 9 provided, the funds for the payment to be made under any such contract shall be kept separate and distinct."

Section 18. That Section 53 of Chapter 146, Montana Session Laws, 1909, is hereby amended to read as follows:

The county treasurer shall be custodian of funds of district.

"Section 53. County Treasurer as Custodian of District Funds. The County Treasurer of the county wherein the office of an irrigation district is located shall be the custodian of all funds belonging to the District, and he shall pay out such funds upon the order of the Board of Commissioners, except as to payments on bonds and interest, and payments under any contract between the District and the United States, accompanying which bonds of the District have not been deposited with the United States as in Section 9 provided, for which no order shall be necessary; such orders shall be signed by the president

No order for payment on bonds of interest necessary.

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What to accompany order.

and secretary of the board and shall bear the official seal of the District. Where such orders are for the payment of money for construction work, the same shall be accompanied by and attached to the written estimate of the engineer in charge of such construction work."

Section 19. That Section 57 of Chapter 146, Montana Session Laws, 1909, is hereby amended to read as follows:

Liability of county treasurer.

"Section 57. Liability of County Treasurers. The County Treasurer to whom district funds or securities are intrusted shall be liable on his bond for the safe keeping of said funds and securities, and such funds shall be properly divided into the respective funds for which district taxes or assessments were levied; that is to say, United States contract fund; bond principal and interest fund; sinking fund to redeem bonds; maintenance fund; construction fund; and general fund. The construction fund shall be available for the payment of the purchase price of all works, water rights, or other property purchased by or for the District and all expenses incident thereto; as well as for the payment of the cost of construction of works, including cost of engineering, superintendence, and other expenses incident thereto. All warrants issued for preliminary and organization expenses and all administrative expenses shall be paid from the general fund. The County Treasurer is authorized to receive in lieu of cash interest coupons maturing within the year in payment of any tax or assessment levied for payment of interest on bonds, and the County Treasurer at any time upon the order of the Board of Commissioners of the District, shall turn over to said Board any bonds or securities held by him and required to be delivered to said Board, in accordance with the provisions of this Act.

Funds to be divided into the respective fund accounts.

What construction fund available for.

Warrants issued for organization and administration purposes, payable how.

Interest coupons receivable for taxes.

Turning over bonds or securities to board.

Cancellation of satisfied bonds and coupons.

All interest coupons so received or otherwise paid and all bonds of the District upon the payment thereof, shall be immediately cancelled and retained by the County Treasurer as vouchers."

Section 20. That Section 63 of Chapter 146, Montana Session Laws, 1909, is hereby amended to read as follows:

Power of board in making transfers of funds.

"Section 63. Transfer of Funds. The Board of Commissioners shall have power to transfer money from any one fund to any other fund, except that no money shall be drawn from the sinking fund or construction fund, except as specifically provided in this Act; provided, that no money in the United States contract fund shall ever be diverted to any other fund."

Section 21. That Section 65 of Chapter 146, Montana

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Session Laws, 1909, is hereby amended to read as follows:

"Section 65. Inspection of Books, by State Examiner. All books, accounts, records, contracts and securities of every kind pertaining or belonging to any district shall be subject to examination by the State Examiner, and it is hereby made his duty to examine the same as provided by law for the examination of the affairs of county officers, and in case any District is appointed fiscal agent of the United States or by the United States is authorized to make collections for or on behalf of the United States in connection with any Federal irrigation project, such Board of Commissioners or the Secretary thereof shall at any time allow any officer or employee of the United States, when acting under the order of the Secretary of the Interior, to have access to all books, records and vouchers of the District which are in possession or control of the Secretary or of said Board."

State examiner to examine affairs of district.

When board must allow examination by federal officer.

Section 22. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 23. This Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1915.

CHAPTER 146.

"An Act to prohibit the manufacture and sale of shoddy, and mattress containing shoddy, and providing a penalty for the violation thereof."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. No person, firm or corporation, shall, within this State, sell, offer for sale, or manufacture, what is commonly known as shoddy, or sell, offer for sale or manufacture mattresses, pillows, couches, couch pads or lounges, containing shoddy in whole or in part.

Manufacture or sale of shoddy goods prohibited.

Section 2. The term "Shoddy," as used in this Act, shall include all material made or manufactured of rags, wearing apparel, clothing, rugs, carpets or blankets.

"Shoddy," definition.

Section 3. It shall be the duty of all Boards and Departments of Health, health officers, or officials discharging similar duties in the State of Montana, to enforce the provisions of this chapter, and they shall have power in the performance of their official duties to enter any store or manufacturing establishment where the articles mentioned in Section 1 are manufactured or are for sale, and make such examination as they deem necessary in

Duty of health boards and officers.

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order to ascertain whether or not the provisions of this chapter are being violated.

Duty of attorney general and prosecuting attorneys.

Section 4. It shall be the duty of the Attorney General and Prosecuting Attorneys of the counties of this State to prosecute all cases arising under the provisions of this chapter.

Violation of Act a misdemeanor, penalties.

Section 5. Every person, firm or corporation violating any of the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than Fifty ($50.00) Dollars nor more than Five Hundred ($500.00) Dollars, or by imprisonment in the County Jail for not less than thirty days, nor more than six months, or both such fine and imprisonment.

Repealing clause.

Section 6. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 7. This Act shall be in full force and effect from and after June 1, 1915.

Approved March 10, 1915.

CHAPTER 147.

"An Act to provide for the construction and maintenance of drains, and the assessment and collection of taxes therefor, and repealing all Acts and parts of Acts heretofore existing and in conflict therewith."

Be it enacted by the Legislative Assembly of the State of Montana:

ARTICLE I.

Relating to establishment of drains.

Section 1. That drains may be located, established, constructed and maintained, and drains and water courses may be cleaned out, straightened, widened, deepened and extended, whenever the same shall be conducive to the improvement of agricultural lands, or to public health, convenience or welfare.

What word "drain" includes.

Section 2. The word "drain" wherever used in this Act shall be deemed to include any water course or ditch, opened or proposed to be opened, and made for the purpose of drainage, and any artificial ditch or drain, levee, dike or barrier or tile or wooden drain proposed or constructed for such purpose.

Appointment of first drain commissioner.

Section 3. The Board of County Commisisoners of each organized county in this State, which may desire to avail itself of the benefits of this Act, shall, at any regular meeting, appoint one drain commissioner, whose term of office shall end on the first Monday of January, Nineteen Hundred and Seventeen, or every second year thereafter, except, that any appointment made under the old law, prior to the time that this Act becomes effective, shall hold

Term of office.

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until the expiration of the term herein specified. Such Board of County Commissioners shall, at their regular meeting in September, Nineteen Hundred and Sixteen, and every second year thereafter, appoint one drain commissioner whose term of office shall be two years, and shall begin on the first Monday of January following his appointment. In case of vacancy in the office of the County Drain Commissioner the same may be filled by appointment by the Board of County Commissioners at any regular or special meeting and of which election they shall file the certificate with the County Clerk and Recorder and the person so appointed shall hold his office until his successor is appointed and qualified. Every County Drain Commissioner shall within ten days after his appointment take, subscribe and file with the County Clerk and Recorder the oath of office required by the Constitution of this State and shall also within the same time execute and file with such Clerk and Recorder a bond to the county in the penal sum of ten thousand dollars to be approved by the Board of County Commissioners, conditioned upon the faithful discharge of the duties of his office. It shall be the duty of the County Clerk and Recorder, upon the appointment of any County Drain Commissioner to make report thereof to the Secretary of State, giving also the date he qualified and entered upon the discharge of his duties.

Appointment of subsequent commissioners.

Oath of office.

Official bond.

Duty of county clerk.

Section 4. The County Drain Commissioner shall have jurisdiction over all drains within his county, including those heretofore established and now in process of construction, except that in all cases where the entire drain shall be laid in one county, and the benefits to be derived therefrom and the assessments for its construction shall extend to lands situated in one or more adjoining counties, then all such drains shall be laid by the commissioners of such counties acting jointly, and all their proceedings shall be had under the provisions of this Act regulating the construction of drains traversing more than one county.

Authority of drain commissioner.

Section 5. In case it is proposed to run a part or parts of a drain through any incorporated city or town, all of such drains shall be located, established and constructed, and the assessment for its construction made by the County Drain Commissioner in the same manner as herein provided for the construction of other drains. Whenever such part or parts of said drain shall be located within any street, highway or public place of any town or city, then a resolution adopted by a majority vote of the council of said town or city granting leave to construct such drain therein, and designating the name of the street or

Drain commissioner shall establish drains when proposed to be run through a city or town.

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How right of way released.

pointing out the alley or other public place to be traversed by such drain, shall be sufficient release of the right of way, and shall be deemed a sufficient conveyance under the provisions of this Act, and said council may permit the construction of an open drain if such consent be expressly set forth in such resolution.

Council may permit open drain.

Duties of county drain commissioner.

Section 6. It shall be the duty of each County Drain Commissioner to make and keep a full financial statement of each drain laid out by him. The County Drain Commissioner shall also make and keep in his office, in a book to be provided for that purposes, a complete record of each drain laid out or applied for under his supervision, under the provisions of this Act, which record shall include a copy of the application for the laying out of the drain, of the minutes of the survey, of the releases of the right of way where the same has been released, together with the minutes of his doings, of his orders of determination of the necessity for, and of the establishing the drain, and his assessments. Where special commissioners have been called it shall also contain a copy of the application to the District Court, of the return of the special commissioners, and of all other papers in his office necessary to show a complete history of each drain.

Record of drains laid out.

In case special commissioners have been called.

Drain commissioners may administer oaths.

Section 7. Drain commissioners may take acknowledgments of releases of right of way and administer oaths in all proceedings in any way pertaining to drains under this Act. A simple form of release or easement of right of way and damages, that shall set forth by reference to the survey of the drain, or by other convenient description, the particular land intended to be released and signed and acknowledged by the person having the right to convey, or release shall be deemed a sufficient release or easement under the provisions of this Act. All releases for rights of way shall be deemed to include sufficient ground on each side of the center line of such drain for the deposit of the excavation therefrom.

What deemed sufficient release of right of way.

Annual report.

Section 8. Every County Drain Commissioner shall make an annual report to the Board of County Commissioners on the second day of its December session. This report shall include complete and concise statements concerning all drains, or parts of drains, constructed, finished or begun during the year then ending; all repair and other work done for maintaining the several drains in proper running order; condition of each drain, and any other information necessary to make such report complete. This report shall also include an estimate of the probable amount of funds necessary and required for the inspection, superintending, repairing, protecting and maintaining of each and every drain under his supervision for the

What report to contain.

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coming year. Such estimate shall be determined after a careful inspection of each and every drain shall have been made by him or at his direction. The funds shown in such estimate for the several drains, shall be provided by special assessments levied in the several drainage districts as hereinafter provided for. Each County Drain Commissioner shall be liable on his bond for any gross neglect of duty or any misapplication of moneys coming under his control as such drain commissioner.

Liability on bond.

Section 9. No person holding the office of County Commissioner or County Clerk and Recorder shall be eligible to the office of County Drain Commissioner, and any County Drain Commissioner accepting the office of County Commissioner or County Clerk and Recorder shall thereupon be considered as having vacated the office of County Drain Commissioner.

Who ineligible.

ARTICLE II.

Section 1. Before the commissioner takes any action towards locating or establishing any drain, there shall be filed with him an application giving a general description of the beginning, the route and the terminus thereof, signed by not less than ten freeholders of the county or counties in which such drain or the lands to be drained thereby and to be assessed therefor may be situated; also that five or more of said signers shall be owners of lands liable to an assessment for benefits in the construction of such drain; provided, that where there are five or less property owners liable to assessments, not less than half of such owners of lands so liable, shall be necessary upon such application. And in case any County Drain Commissioner shall directly or indirectly solicit signatures to an application for any drain he shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not to exceed fifty dollars or imprisoned in the County Jail not to exceed ninety days or be punished by both such fine and imprisonment in the discretion of the court, and the office of such drain commissioner shall be deemed vacant, and the drain commissioner, so convicted, shall be incapable of again holding the office of County Drain Commissioner. Such applicants shall be jointly and severally liable for all costs and expenses in case the County Drain Commissioner upon examination or upon examination and survey shall determine that the same is unnecessary or impracticable or in case the proceedings shall be dismissed upon application of a majority of the petitioners. If the persons signing such application shall refuse to pay such costs and expenses the County Drain Commissioner shall bring suit in a court of competent

Application for locating and establishing drain.

By whom to be signed.

Proviso.

Misdemeanor for commissioner to solicit signatures.

Penalty.

Applicants liable for costs and expenses, when.

In case of refusal to pay, commissioner to bring suit.

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jurisdiction and collect such costs and expenses with costs of suit. If upon the presentation of such application the County Drain Commissioner shall deem the financial responsibility of the applicants insufficient he shall have the right to return such application for additional signatures.

Drain commissioner to personally examine route of proposed drain.

Section 2. Upon the filing of such application the County Drain Commissioner authorized to act thereon shall as soon as practicable thereafter proceed to personally examine the route of the proposed drain, and if in his opinion it is necessary and conducive to the improvement or reclamation of agricultural lands, to the public health, convenience or welfare, that the application should be granted, he shall, as a means of determining the practicability thereof, make a survey, map and estimate of the cost of the proposed drain, or cause the same to be made by a competent civil engineer. After such survey and estimate are made, if he shall find such drain to be practicable, he shall within ninety days make his first order of determination in writing in accordance therewith, therein particularly naming such drain by which it shall thereafter be known and shall establish the commencement, route, and terminus of said drain, and the width, length and depth thereof, and shall set survey or grade stakes not more than one hundred feet apart. For such purpose he shall have the right to enter upon any such lands traversed by the route of the proposed drain, or any land that will be benefitted by such drain. In locating such drain the County Drain Commissioner shall not be limited or confined to the precise starting point, route or terminus set forth in the application. The record or minutes of the survey shall show the line and route of the drain, the points where the line of the drain crosses the boundary lines of each owner's land and the length thereof upon his land, and, provided the drain is to be an open drain, the width of surface excavation that will be required in its construction and shall also show by words, or letters and figures, the width of ground that will be required for the disposition of earth, and every release of right of way shall be deemed to include the extreme width thus shown.

When survey to be made.

Order of determination in case drain found practicable.

Name drain.

Right to enter upon lands.

Starting point and route.

What minutes of survey shall show.

What costs and expenses owners of land shall pay.

Section 3. If at any time after the County Drain Commissioner has issued his first order of determination, establishing such drain as provided in the preceding section, and before the letting of any contract for constructing the same, all the owners of the lands through which, or for the benefit of which such drain is located, shall, by themselves, their agents or attorneys pay to the County Drain Commissioner all the costs and expenses thus far

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incurred by him, and shall severally or jointly enter into a contract, with good and sufficient sureties and in such sum as the County Drain Commissioner may require, to construct so much of said drain, and on such route, and of such dimensions as the said commissioner may, in such contract determine, and to pay all expenses necessary to be incurred in the construction of same, then the County Drain Commissioner may so contract with such owner or owners and such drain, when so finished and accepted shall be certified by the County Drain Commissioner as a drain lawfully constructed in pursuance of the provisions of this Act, and shall be recorded in the same manner as other drains. If any such contracts are not fulfilled by the time limited therein, the County Drain Commissioner may contract with other parties for the completion of the work, and the parties so in default, and their sureties. shall be liable for all costs and expenses attending such default.

Contract by owners for construction to build portions of drain.

Drain to be certified by commissioner, when.

If drain not constructed within time limit.

Section 4. If within thirty days after the making of such first order of determination, all the persons through whose lands the proposed drain is to pass shall not have executed a release of the right of way, and all damages on account thereof, the County Drain Commissioner shall, as soon as practicable, make application to the District Court of the county in which such lands are situated, for the appointment of three disinterested special commissioners, who shall be resident freeholders of the county, but not of the district or districts traversed by such drain, to determine the necessity therefor, and for the taking of private property for the use and benefit of the public for the purpose thereof, and the just compensation to be made therefor. Such application shall be in writing and shall set forth:

When application may be made for special commissioners.

Qualifications and purposes of special commissioners.

First. The fact that an application for a drain was made and when, filing with said court a certified copy of such application, also giving the route, survey and specifications of said drain as set forth in the first order of determination.

Application, what to contain.

Second. That an order determining the necessity for such drain was made by the county drain commissioner, giving the time when such order was made, in accordance with such route, survey and specifications as above set forth.

Third. (1) The several descriptions of tracts of lands with the names of the owner or owners of every such tract who have refused or neglected to execute a release of right of way and damages in any way arising or incident to the opening or maintaining of the said proposed drain. If any such owner is a minor, incompetent person,

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What not necessary to state.

or unknown person, or non-resident of the county or counties, the application shall so state; (2) It shall not be necessary to set forth in said application to the District Court the names of the several owners nor the descriptions of the several tracts or parcels of lands liable to an assessment for benefits, in case the drain applied for should be located and established, except those who have not released the right of way and through whose land the drain passes; nor shall the same be included in the citation issued from the District Court.

Court to examine proceeding of the drain commissioner.

Section 5. The court to whom such application is made shall make an examination at the time of such application of all the proceedings of the County Drain Commissioner so far as had, and if such proceedings be found to be in accordance with the statute, such court shall at once appoint a time and place of hearing upon the application,

To fix time and place of hearing.

which time shall be fixed not less than fifteen nor more than forty days thereafter and the court shall issue a citation to all persons whose lands are traversed by such

To issue citations.

drain, who have not released the right of way, and all damages on account thereof, to appear at the time and place designated in said citation, and be heard with respect to such application, if they so desire, and show cause, if any there be, why said application should not be

Errors deemed waived, when.

granted, and any error or errors that may have been made in any of the proceedings thus far shall be raised and taken advantage of at such time and before such court, and if not so raised and taken advantage of at such time and before such court, the same shall be deemed to have been waived by all persons cited to appear under this notice. If any person on whom such service is to be

Service on minors and incompetent persons.

made is a minor or an incompetent person who resides in this State, such service shall be made as herein provided on his guardian, or if none, then on the person who may for such purpose be appointed special guardian and also on the person who has the care of, or with whom such

Appointment of special guardian, when.

minor or incompetent person resides. In case any person whose lands are traversed by said drain is a minor or an incompetent person, and has no guardian, the said court or the judge of said court shall appoint a special guardian, to appear for and attend to the interests of such minor or incompetent person and all notices to be served in the process of the proceeding shall be served on such special guardian.

Citation shall recite, what.

Section 6. The citation shall recite so much of the premises as will show jurisdiction, giving a description of the land traversed by such drain, and shall be addressed to all owners by name, except in case of non-residents of the county whose names are not known. It

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shall describe the drain by its commencement, terminus and general course, and shall set forth that land owned by the persons to whom it is addressed will be crossed by such drain and may be subject to assessment for its construction, and that a description and survey of such drain is on file with the court issuing such citation, and describe the land to be taken. Such citation shall be personally served by the County Drain Commissioner or some other competent person, upon every person whose lands are traversed by the said drain, who has not released the right of way and all damages on account thereof, and who resides within the county, by delivering to him or her a copy thereof or by leaving the same at his or her residence with some person of suitable age and discretion, who shall be informed of its contents. In all cases of personal service at least ten days shall intervene between the day of service and the day of hearing, and the court issuing such citation shall require proof of such service by affidavit showing the time, place and manner of such service. Citation shall be served upon cities and incorporated towns by leaving a copy thereof with the mayor and city or town clerk; upon the State by leaving with or mailing a copy thereof to the State Land Commissioner; upon railroad companies by leaving a copy thereof with the agent of any ticket or freight office of the company operating such railroads, and upon other corporations by serving the same upon the officer or person designated by law in cases of serving civil process. If any lands involved are owned by non-residents of the county or counties, a copy of the citation so far as it affects such lands shall be published in some newspaper published and circulated in the county in which such lands are located, once a week for three weeks previous to the day of hearing and mailing to such non-resident owner at his place of residence, if known, which shall be deemed to be sufficient notice to all such parties. The first publication of such notice shall be at least fourteen full days before the day of hearing, and proof of its publication shall be made as above provided in the case of personal service.

Service of citation by and upon whom.

Service ten days before hearing.

Proof of service required.

Service upon cities and incorporated towns.

Service upon the State.

Upon railroads.

Other corporations.

Service upon non-residents by publication.

Proof of publication.

Section 7. The court to whom such application is made shall at the time and place fixed in the citation, or at any time to which it may adjourn, and upon proof of service when required, proceed to hear all persons whose lands are traversed by said proposed drain, and all such persons may show cause against the prayer set forth in the application, and may disprove any of the facts alleged therein, and may raise any and all objections to any errors or irregularities made in the proceedings

Court procedure.

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had thus far, if any, and the said court shall hear the proofs and allegations of the parties, and the objections so made to the proceedings, if any there be, and if no sufficient cause is shown against granting the prayer set forth in said application the said court shall make an order appointing three disinterested and competent resident freeholders of said county not residents of the district traversed or benefited by the drain, as special commissioners to ascertain and determine the damages or compensation to be allowed to the owners or parties interested in the real estate proposed to be taken for the right of way for such drain. Such court shall immediately upon the appointment of such commissioners, and with the concurrence of the county drain commissioner, appoint a time and place, such time to be not less than five nor more than fifteen days thereafter at which such special commissioners shall meet the county drain commissioner and other parties, who have not released the right of way, to consider the matters and things with respect to which they have been appointed, and the said court shall make public announcement thereof, and thereupon the proceedings shall be deemed a continuing proceeding, and no further notice of the time and place of hearing shall be required, and such appointment and announcement shall be made a part of the record in the case; provided, that if it shall appear at such hearing that all parties have not been duly notified, the court may adjourn such hearing for a period sufficiently long to enable the county drain commissioner to duly notify such parties in the manner heretofore provided and it shall not be necessary to again notify the parties who have received legal notice in the first instance. The district court shall, if necessary, allow the county drain commissioner to amend his application at any time before the appointment of special commissioners and in case there is shown to be error in the proceedings of the county drain commissioner the district court shall adjourn the hearing for sufficient time to allow the said commissioner to correct such error or errors; Provided, That application to establish the drain is shown to be sufficient under the statute.

When court shall appoint special commissioners.

Hearing to be had, time and place.

Furtner notice not required.

Adjournment, when.

Amendment of application.

Adjournment to correct errors.

Proviso.

Section 8. If the court shall have granted the prayer set forth in the application, such court shall proceed to deliver to the county drain commissioner a copy of the order appointing the special commissioners, and fixing the time and place of the first meeting of said commissioners, and the drain commissioner shall deliver a copy of such order to each of said special commissioners. In case any such special commissioner neglects or refuses to

Delivery of order appointing special commissioners and fixing time and place of meeting.

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meet at such time and place with said county drain commissioner, the said county drain commissioner shall adjourn such day of meeting for a period not to exceed thirty days, and he shall give public notice by proclamation of the date, time and place of such adjourned meeting, and he and the parties who appear at the hearing before the court in obedience to the aforesaid citation may appoint some competent person to act as commissioner in lieu of the special commissioner so neglecting or refusing to meet at the time and place designated, which appointment shall be in writing and signed by the drain commissioner and said parties and filed in the court appointing such special commissioners in the first instance. If the drain commissioner and said parties can not agree upon a special commissioner to fill said vacancy then the county drain commissioner shall, as soon as practicable, make application to the judge of the district court, who shall appoint a special commissioner to fill such vacancy. The parties appearing in obedience to the citation of the court hereinbefore mentioned shall have notice of the time and place when and where such vacancy will be filled by the judge of the district court. Said special commissioners shall be sworn to faithfully discharge the duties of special commissioners in the matter in which they are called to act, and to well and truly determine the necessity for such drain, and the taking of private property for the use and benefit of the public for the purpose thereof and the just compensation to be paid therefor. The said special commissioners, with the county drain commissioner and the other parties in interest who may be present, who have not released the right of way for said proposed drain, shall meet at the time and place ordered by said court and proceed at that time, or at any time to which they may adjourn, to view such premises, and for such purpose they shall have the right to enter upon any lands traversed by the route of the proposed drain.

When drain commissioner may adjourn time of meeting of special commissioners.

Notice of the date.

Appointment to fill vacancy in office of special commissioner.

Application to the court for appointment to fill vacancy.

Notice of filling vacancy.

Oath of special commissioners.

Viewing premises.

Section 9. The said special commissioners shall hear the proofs and allegations of the several parties in interest, and shall ascertain and determine the necessity for such drain, and for the taking of such private property for the use and benefit of the public, the purpose thereof, and the just compensation to be made therefor in each case, which compensation shall be determined without reference to any benefits that may accrue to the land in consequence of the construction of such proposed drain. There shall be produced by the county drain commissioner at such hearing, the original application for the laying out of such drain, and the minutes of his action

Duties of special commissioners.

Compensation for property taken, how determined.

Papers to be produced at hearing of special commissioners.

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thereon, so far as had, also copies of the first order of determination and the application to the district court, with the citation annexed and a copy of all proceedings in the district court, a copy of the map, and estimate of cost signed by the civil engineer and the order appointing the special commissioners, as the case may be. The special commissioners may adjourn such hearing from day to day, for any cause, not exceeding in all thirty days, announcement of which adjournment shall be then and there publicly made.

May adjourn from day to day, but not exceeding thirty days.

Returns of special commissioners, when shall be made.

Filing of return.

Drain commissioner shall examine the return, and if not correct shall return it for correction.

Correction of return.

Section 10. The said special commissioners shall within forty days from the date of their first meeting make a return in writing of their hearing, determination and of their several awards. The special commisisoners shall file their return with the county drain commissioner, who shall examine the same, and if he shall find such return not to be in substantial conformity with the statute, he shall return the same to the special commissioners for correction. The special commissioners shall thereupon proceed to correct their return, and file the same with the county drain commissioner within five days. When the county drain commissioner shall find such return to be without material error, he shall file the same with the other papers in his possession pertaining to such drain. Such return shall be deemed sufficient release of the lands necessary to be used for such drain, and upon which damages are awarded in the county in which they are situated, in trust to and for the uses and purposes of drainage, and for no other use or purpose whatever; provided, that no appeal therefrom is taken as hereinafter provided.

Such return to be deemed sufficient release of lands.

If drain found unnecessery, proceedings shall be dismissed.

Section 11. In case the special commissioners shall decide such drain to be unnecessary they shall so state in their return, and the county drain commissioner shall thereupon dismiss the proceedings at the cost of the applicants, and no further application for the same shall be entertained within one year thereafter.

If the owners shall release right of way, damage proceedings shall be dismissed.

Section 12. If at any time before the appointment of special commissioners provided for in this Act or at any time before the filing of their return and award of damages, all of the parties through whose lands the proposed drain is to pass shall execute a release for right of way, and all damages on account thereof, then all proceedings for the appointment of special commissioners and all actions taken by them after their appointment, shall be discontinued and void, and the county drain commissioner shall proceed as if no application for special commissioner had been made, except that the per diem and expense of such special commissioners, up to the time

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that their services are discontinued shall be considered part of the expense of said drain.

Award of damages shall be deducted from assessment of benefits.

Section 13. The county drain commissioner shall deduct the award of damages from the assessment, when made, on the tract which includes the right of way of said drain. In case the award of damages shall exceed the assessment of benefits, the county commissioners shall draw orders on the county treasurer, for the amounts awarded in the return of the special commissioners in excess of assessments, describing in each order the lands in payment whereof it is drawn, and before such drain shall be constructed such order shall be tendered by the county drain commissioner to the party entitled thereto; provided, that if the owner of any lands upon which damages have been awarded in excess of assessments, be a non-resident of the county, or be unknown, or in case of a minor or otherwise incompetent person, such order shall be deposited with the county clerk and recorder, payable to the owner of such description of land upon which such damages were awarded. Such order shall be held by such clerk and recorder and be delivered by him to the owner of such lands when called for or otherwise legally demanded, and the same shall thereby be deemed to have been lawfully tendered to the owner of such lands. It shall be the duty of the county treasurer at any time upon presentation to him of any such drain order drawn for the payment of such right of way or damages to pay the same out of any moneys in his hands belonging to the general fund of such county and refund such amount out of the first moneys collected by him on account of such drain.

If damages exceed benefits an order for difference shall be drawn on county treasurer.

If owner is a non-resident, minor or incompetent person, such order shall be deposited with county clerk.

Clerk to hold order and deliver it upon legal demand made.

Duty of county treasurer.

Refusal of tender of damages.

Section 14. If the owner of any lands upon which such damages have been awarded in excess of assessments shall, upon the tender of such order to him, refuse to accept the same, the county drain commissioner shall make such tender in lawful money, and for that purpose he shall be authorized to endorse such order and present the same to the county treasurer for payment, and it shall be the duty of such treasurer to pay such order as hereinbefore provided. If, however, there shall be no money in the general fund of such county treasury, the county drain commissioner shall be authorized to have such order discounted, wherever he may be able to do so; provided, such discount shall not be more than at the rate of eight per cent, and he shall charge the amount of such discount to the expense and cost of such drain, and the county commissioner shall draw an order therefor. The county drain commissioner shall thereupon make to such owner a tender in lawful money of

Duty of county treasurer.

Drain commissioner may have drain order discounted, when.

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the amount awarded to him in excess of the apportionment of benefits, and if he shall refuse to accept such money, the county drain commissioner shall deposit the same with the county treasurer, taking duplicate receipts therefor, one of which he may retain, and the other he shall file with the county clerk. Such money shall be held by such treasurer and be delivered by him to such owner when called for or otherwise legally demanded.

Deposit of amount of award with county treasurer, when.

Drains along railroads not to injure roadbed.

Section 15. Drains may be laid along the line of any railroad within its right of way; provided, such drain shall not be to the injury of the roadbed. Whenever it is proposed to construct a drain along the line, and within the right of way of any railroad, and the company owning or operating such road shall refuse or neglect to permit such drain to be constructed or release the right of way therefor within the time prescribed in this Act, such release shall be obtained in the same manner as is provided in this Act for obtaining the release to private lands; provided, that no drain shall be constructed along the line of any railroad without the consent of the company owning or operating such road, if it shall appear to the special commissioners that such drain, can equally well be laid on private lands.

How right of way may be obtained from railroad.

Duty of railroad company in premises.

Section 16. Whenever it is necessary to run a drain across the right of way or roadbed of any railroad, the same proceedings shall be had throughout, in all respects, as in cases provided in this Act for obtaining private lands for the construction of drains, except as hereinafter provided. It shall be the duty of the railroad company when notified by the county drain commissioner so to do, to make and maintain the necessary opening through said roadbed, by building and maintaining a suitable culvert, or to install the necessary temporary bridge, or other means of supporting the track, so that the drain may be constructed through said roadbed, in case of a blind drain. Notice in writing to make such opening and to construct such culvert, or to install such temporary bridge, or such other means of supporting the track, shall be served upon such railroad company by leaving a copy thereof with the ticket or freight agent or general officer of such railroad company, at least thirty days before such railroad company shall become liable. Such railway company shall be reimbursed for the actual expense involved in such work by warrants drawn on the drain fund of said drain.

Notice upon company, how served.

Railroad company to be reimbursed for actual expense.

Refusal of railroad company to comply, penalty.

Section 17. In case such railroad company shall refuse or neglect to comply with the provisions of the preceding section, it shall be liable to a penalty of ten dollars for each day's refusal or neglect to make such opening

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and construct such culvert. The county attorney of the county in which said railroad company shall have refused or neglected to comply with the provisions of the preceding section shall, upon complaint being made by the county drain commissioner, bring suit to collect such penalty or fines, and it shall be his duty to prosecute the same to a final determination in any court having competent jurisdiction.

Duty of county attorney.

Section 18. Drains may be laid along and within the limits of or across any public highway; provided, that when it is proposed to construct a drain in whole or in part along a public highway, it shall be necessary for the county drain commissioner to obtain from the county commissioners a release of right of way of said drain, and for all damages on account thereof. In case such release is not executed within the time prescribed in this Act, such release shall be obtained in the same manner as is provided in this Act for obtaining private lands.

Drains along, within the limits of, or across public highways.

Releases from county commissioners.

Section 19. When any drain crosses a highway, the cost of constructing the necessary bridge or culvert shall be charged in the first instance as part of the cost of construction of such drain, after which such bridge or culvert shall be maintained as a part of the highway. When an open drain passes along a highway, there shall be constructed at least one bridge or passageway across such drain, connecting the highway with each enclosed field and with each farm house entrance, which bridge or passageway shall be constructed and maintained out of the funds hereinafter provided for the construction and maintenance of such drain.

Cost of bridges and culverts on public highways to be charged as part of cost of drain.

Bridges or passageway across drain.

Section 20. The county drain commissioner may order the construction of blind drains by the use of drain tiles, wooden box, vitrified clay, concrete or other kind of pipe, when such construction is most suitable. When any such blind drain is to be constructed across any land, so that the surface of the land can be restored, the special commissioners in making their award of damages shall take that fact into account. Any person through whose land an open drain has been constructed, may make a written request to the county drain commissioner to be permitted to tile and cover with earth the whole or any part thereof, that may traverse his land, and the county drain commissioner may grant such request but in doing so he shall prescribe the size of the tile, pipe or wooden box to be used. When blind drains are constructed the entrance thereto shall be substantially protected from drift wood and debris.

Construction of blind drains, when.

Duty of drain commissioner.

Section 21. Drains may be laid or extended into or along or from any lake or other body of water surrounded

Drain may extend into lake or other body of water, when.

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wholly or in part by a swamp, marsh or other low lands for the general purpose of drainage contemplated by this Act but not so as to impair the navigation of any navigable water.

Drainage ditches, contract for.

Section 22. Whenever in the judgment of the county drain commissioner a district can be drained to the best advantage or most economically through any irrigating ditch, drain or waterway used for other purposes by any individual corporation or other drainage district, such commissioner may contract with such individual corporation or other drainage district for draining such district or for diverting the water before the same reaches the district to be drained. Before making such contract the county drain commissioner shall publish a notice in a newspaper of general circulation in the district, giving the exterior boundaries of the district to be drained and the approximate cost of the proposed contract to each acre lot or parcel of land to be benefited. Such notice shall designate a time and place for a public hearing and said notice shall be published once a week for three weeks, preceding such hearing. If the owners representing more than one-half of the lands to be benefited protest against the proposed contract, or if it appear that such contract is not to the best interest of the district or that owners of land in the district will undertake to provide drainage at the same or less expense to the district, such contract shall not be made. If none of the foregoing objections or conditions are disclosed at the hearing the Commissioner may enter into a contract with any individual corporation or other drainage district for the draining of such district through any ditch, canal or drain belonging to such individual corporation or district. Payment on any such contract shall be made and assessments shall be levied and collected in the same manner as provided in this Act for other districts.

Publication of notice.

When contract not be made.

When it may be made.

Levy of assessments and collection for cost of work.

When part of district in city limits.

Section 23. When all or any portion of any drain district is included within the limits of any incorporated town or city the land in such district belonging to such town or city including streets, alleys and parks shall be subject to assessment the same as other lands.

Appeal to district court, how tried.

Section 24. Any owner of lands taken for right of way for a drain who is dissatisfied with the award made by the special commissioners under this article, may appeal from such award to the district court, and such appeal shall be taken, tried and determined as are appeals from awards of commissioners in action for condemnations of land under Title VII. Part III of the Code of Civil Procedure, in so far as the same may be applicable. A certified copy of the final determination of the court on

Certified copy of decree a sufficient release.

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such appeal shall be filed with the county drain commissioner. In case of such appeal being taken, a certified copy of the final determination by the court shall be deemed sufficient release of the lands necessary to be taken for such drain and upon which damages are awarded in the county in which they are situated, in trust to and for the uses and purposes of drainage, and for no other purpose whatever.

ARTICLE III.

When county drain commissioner shall make final order establishing drain.

Section 1. Upon the release of right of way and the award of damages, or upon the determination and return of the special commissioners, or order of the district court, as the case may be, the county drain commissioner shall make his final order of determination establishing the drain, a certified copy of which order of determination shall be filed with the county clerk and recorder within five days after such order is made.

What to be included in order.

He shall include in such order a description of the several tracts or parcels of land and the names of cities, towns, counties, railways and irrigation ditches to be assessed for the construction of such drain, which said tracts or parcels of land together with said cities, towns, counties, railways and irrigation ditches shall constitute the drainage district for that purpose, to be known and designated in such order by the same name as the drain.

What constitutes the drainage district.

After the final order of determination is made, he shall then prepare, or cause to be prepared, detailed plans and specifications of the proposed work, and also forms of proposal of bid and form of contract.

Plans and specifications, form of bids.

Such specifications shall state whether all of the taxes to be spread for the construction of such drain shall be assessed and collected in that same year, or whether the same shall be divided into two or more equal installments, one installment to be collected in that same year, and the other installment or installments within the ten years next following.

Notice of letting contracts and service thereof.

He shall give not less than ten days' notice of the time and place of letting contracts by serving personal notice on every person whose lands are affected by such assessments and who resides in the county, which notice shall be served in the same manner as provided in this Act for the personal service of citations, and by causing a copy thereof to be published, not less than two insertions, in one or more newspapers published and of general circulation in the county, and by mailing a copy of such notice to non-resident owners, at their places of residence, if known; provided, that in case an incorporated city or town, or any portion thereof, is included in a drain district, it shall not be necessary to serve personal notice on any

Service and publication of notice.

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Service of notice where city or town included in district.

of the owners of land included in such incorporated city or town, but that such notice shall be served upon such owners by mailing a copy thereof to each of such owner or his agent at his last known address, upon the same day such notice is first published. Such notice shall contain a description of the several tracts or parcels of lands and other elements constituting the drainage district, as above provided. It shall also contain a statement of the exact time at which bids will be received for the construction of the drain; the amount of the certified check required to accompany all bids, the manner in which the funds for the construction of the drain will be raised, expressing the number of annual installments in which the taxes will be payable, and a statement that the apportionment of the assessment to be levied upon the lands, irrigation ditches and other elements comprising such district, will be subject to review ten days after the day that the contract for the construction of the drain is let or awarded. This assessment sheet shall be subject to review as hereinbefore stated ten days after the day of letting the contract until noon and from one o'clock until five o'clock in the afternoon. At such review, the county drain commissioner shall hear the proofs and allegations of all parties in interest, and shall carefully reconsider and review the descriptions of lands comprised within the drainage district, and the manner of assessing each of the said descriptions of land, and equalize the same as may seem just and equitable. At such review he may change the rate or amount to be assessed against any tract or parcel of land, or against the county, incorporated town, railroads or any irrigation ditch, or may omit from said drainage district any parcel or tract of land which in his judgment, after such review is had, is not liable for a portion of the cost of such construction under the provisions of this Act.

Contents of notice.

Assessment sheet subject to review.

Change of assessment after review, when.

What land may be omitted.

Receiving bids and letting contracts.

Section 2. The county drain commissioner shall on the date fixed upon by him, and named in the notice of letting of contract, proceed to receive bids and let contracts for the construction of the drain, and make contracts with the lowest responsible bidder giving adequate security for the performance of the work. Such security shall cover the completion of the job in the manner and within the time fixed in the contract, and shall be in a sum to be fixed and determined by the county drain commissioner. The county drain commissioner shall reserve the right to reject any and all bids, and may adjourn such letting in whole or in part, from time to time to such other time or place, to be by him at the time of such adjournment publicly announced, as shall to him seem

Security for completion of contract.

Reservation of right to reject all bids.

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proper, but not in all more than forty days from and after the time of letting advertised. The parties who are assessed a tax for the construction of such drain, and who may be bidders for the contracts thereon, shall, if equal bidder with other parties, be preferred in awarding such contracts. And it shall be the duty of the county drain commissioner to supervise the construction of said drain and see that the work is done substantially in conformity with the contract and specifications. When the drain is completed, the county drain commissioner shall inspect the same, and after he has found all the work completed according to the plans and specifications, he shall certify in writing that the drain is so completed, and file such certificate with the county clerk and recorder. It shall not be lawful for the county commissioners to issue orders on the fund of any drain exceeding eighty-five per cent of the amount earned on any contract, until after the acceptance of said work by the county drain commissioner, and the said certificate of the drain commissioner is filed. In case of any open drain, the dirt excavated therefrom shall be placed, as near as may be, equally on each side of the drain, and shall be left in piles more than four feet high except where the drain runs along a highway, or where the drain commissioner, for good cause, may permit the same to be done; provided, that the owner of said lands may, by written consent, allow the dirt taken from said drain to be otherwise disposed of.

Preference to be given bidders who are taxpayers.

Supervision of work.

Certificate of completion of drain.

Certificate to be filed.

Full amount not to be paid until when.

Disposition of excavated dirt.

Proviso.

Section 3. The drain commissioner shall have the power to grant a reasonable extension of time for the completion of any contract. When any contract is not finished within the time specified, or to which it may be extended, the county drain commissioner may declare such contract forfeited, and shall within a reasonable time thereafter, relet the unfinished portion thereof to the lowest responsible bidder, by public letting after not less than five days' notice thereof, by posting in five public places in the district, or by private letting when such can be done at a price per foot for the uncompleted portion thereof not exceeding the price per foot at which the job was first let; and he shall make contract and take security in each case as hereinbefore provided. The cost of completing such part over and above the contract price, if any, and the expense of notice and reletting shall be collected by the county drain commissioner from the parties first contracting or from their bondsmen, which moneys, when so collected, shall be deposited with the county treasurer, and placed to the credit of such drain; provided, that in no case shall the county

Extension of time for completion of work.

Forfeiture of contract.

Reletting of unfinished portion.

How extra cost of relet portion collected.

Deposit of money so collected.

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drain commissioner declare any such contract forfeited without first giving five days' notice thereof to the contractor, if he can be found, and if not found then by a written notice left at his last place of residence, with some person of suitable age and discretion, who shall be informed of its contents, if such contractor have a known residence within the county.

Notice of forfeiture of contract.

ARTICLE IV.

Drain commissioner shall apportion cost of construction, when.

Section 1. Before the day of review, the county drain commissioner shall apportion the per cent of the cost of construction which each tract of land, railroad, city, town, county or irrigation ditch shall bear. In apportioning such cost to defray the expenses involved in the construction of the drain, the following principles shall be regarded, and assessments made in accordance therewith:

Matters to be taken into consideration when apportioning cost.

All lands which are swampy, bogged or water-logged and will be relieved and improved by virtue of the construction of the drain;

All lands which are becoming, or are liable to become, swampy, bogged, or water-logged, and which the construction of the drain will prevent from being thus affected;

All lands included within the watershed of the drain;

All lands from which surface or seepage waters will enter the drain, or can be conducted into the drain;

All lands upon which or through which, surface or seepage water will be prevented from flowing, or can be prevented from flowing by virtue of the construction of the drain;

Same as above.

All lands which will sustain any direct benefit of any kind or character whatsoever, other than that sustained by all other lands in the same vicinity;

All railways, whether operated by steam, electricity or otherwise, whose right-of-way or roadbed will be benefited or can be benefited by reason of the construction of the drain;

All owners of irrigation ditches or canals from which water seeps, drains or wastes to, upon or through lands included within the district served by the drain;

The county or counties which the drain traverses, or which will be benefited as to public health, convenience, welfare or improvement of any public highway;

All incorporated cities or towns, and lands included within townsites and subdivisions, in whole or in part, directly benefited by reason of the construction of the drain;

All of the above classes of lands, railways, irrigation

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ditches, counties, cities, towns, townsites and subdivisions shall be liable to assessment for the construction of drains in such proportions as may seem just and equitable.

Benefits, damages and inconvenience to be considered.

The benefits to accrue from the construction of the drain, to a railway, county, incorporated city or town, and lands included within a platted townsite or subdivision being of a different character than those to accrue to agricultural lands, shall be considered in apportioning the assessment, and also, the damages and inconvenience caused by seepage and waste waters from irrigation ditches and from the higher lands, shall be considered in apportioning the assessment to them.

Apportionment subject to review.

Such apportionment of the per cent of the cost of construction shall be subject to review and correction, and may be appealed from in the manner provided for in this Act.

Owners assessed may appeal to district court.

Section 2. The owner of any land, ditch or railway assessed for the construction of any drain, who may conceive himself aggrieved by the assessment made by the county drain commissioner, may, within ten days after the day of review provided for in the preceding article of this Act, appeal therefrom and for such purpose make an application to the district court of the proper county for the appointment of a board of review as hereinafter provided, by serving upon the drain commissioner and by filing with said district court a notice to that effect, and by filing also a bond with such court in the sum of two hundred dollars with one or more sureties to be approved by the clerk of said district court conditioned upon the payment of all costs in case the assessment made by the county drain commissioner shall be sustained.

Procedure.

Counties, cities or towns may appeal.

Any county, incorporated city or town assessed a per cent of the cost of the construction of any drain that may conceive itself or themselves aggrieved by the assessment made by the county drain commissioner, may, within ten days after the date of review provided for in the preceding section, appeal therefrom as herein provided. Only one application for a board of review shall be entertained by such district court for any one drain.

One review for any one district.

Notice of appeal to drain commissioner.

Section 3. The district court upon receipt of any such application, as hereinbefore provided for, shall forthwith notify the county drain commissioner in writing of such appeal and shall thereupon make an order appointing three disinterested and competent freeholders of such county, not residents of the district or districts affected by said drain, as members of a board of review. The persons so appointed shall constitute the board of review. The court shall thereupon, with the concurrence of the county drain commissioner, immediately fix a time and

Appointment of board of review.

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Hearing, time and place.

place when and where said board of review shall meet to review said assessments, which time shall not be less than ten nor more than fifteen days from the date of such appointment. The county drain commissioner shall thereupon give notice to the persons so appointed of their

Service of notice to owners.

appointment, and of the time and place of meeting and shall give notice of such meeting by posting notices in at least five public places in each district affected by such assessment, and shall serve a like notice upon the appellant if he be a resident of any district affected and upon the county attorney of the county in all cases where the

Time of service.

State or county is an interested party. Such services shall be made not less than five days before the day of hearing and may be made either by personal service or by causing a copy thereof to be left at their several

Proof of service.

places of residence. Proof of service of notice of such meeting shall be made by the person serving said notice and shall be filed in the office of the clerk of the district court. At such hearing the board of review shall have the right and it shall be its duty to review all assessments made by the county drain commissioner on such drain.

Duty of board of review, oath of office.

The person so appointed shall be sworn by the county drain commissioner to faithfully discharge the duties of such board of review; provided, that the proceedings in establishing any drain shall be subject to review upon

Proceeding subject to review on certiorari.

certiorari, as herein provided. Notice of such certiorari shall be served upon the county drain commissioner within ten days after the copy of the final order of determination of such commissioner in establishing any drain has been filed with the county clerk and recorder as provided herein in the same manner as notice is required to be

Hearing on certiorari.

given of certiorari for reviewing judgments rendered by justices of the peace and the writ shall be issued and served, and bond given and approved and the subject matter brought to issue in the same time and manner, as near as may be, as in such cases provided, except that such certiorari may be heard by the court during term, or at chambers, upon five days' notice given to the opposite

Determination without delay.

party; and the district court of the county shall hear and determine the same without unnecessary delay, and if any material defect be found in the proceedings for establishing the drain such proceedings shall be set aside. If

Liability for costs on certiorari.

the proceedings be sustained, the party bringing the certiorari shall be liable for the cost thereof, and if they be not sustained, the parties making application for the drain shall be liable for the costs. If no certiorari be brought within the time herein prescribed, the drain shall

When drain deemed established.

be deemed to have been legally established, and its legality shall not thereafter be questioned in any suit at

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law or equity; provided, no court shall allow any certiorari questioning the legality of any drain by any person, unless notice has been given to the county drain commissioner in accordance with the provisions of this section; provided further, that when such proceedings are brought, the county drain commissioner shall postpone the letting of contracts and all other proceedings until after the determination of the court. And if any error be found in the proceedings, the court shall direct the county drain commissioner to correct such error or errors and then proceed the same as though no error had been made.

Contract not to be let until certiorari proceedings determined.

Correction of error.

Section 4. The board of review shall proceed at the time and place specified in the notice to hear the proofs and allegations of all the parties in respect to the matter of appeal and shall thereupon proceed to view the lands benefitted by such drain and the drainage area, and review all the assessments made by the county drain commissioner on such drain, and if in its judgment there be manifest error or inequality in such assessment, it shall order and make such changes therein as it may deem just and equitable. Should the board of review find upon personal examination that any land, railway, irrigation ditch, city or town, or any portion thereof, has been included in the drain district and assessed, which is not liable to assessment in accordance with the provisions of Section 1 of this article, then said board of review shall omit such land, railway, irrigation ditch, city or town, or such portion thereof, from such drain district and annul the assessment against it or such portion of it. Should the board of review find upon personal examination that there is any tract of land, railway, irrigation ditch, city or town, or any portion thereof, liable to assessment for the construction of the drain in accordance with the provisions of Section 1 of this article, which has not been assessed, it shall add such land or portion thereof to the drain district, and apportion the per cent of the cost to such. The board of review shall thereupon adjourn such review, to such other time or place, to be by it at the time of such adjournment, publicly announced, as shall to it seem proper, but not in all more than twenty (20) days from and after the time of review first advertised and shall serve a notice on all such owners of lands, railways or irrigation ditches living in the district; and on such cities and towns; such notice shall give the time and place of said review, also the description of lands, etc., added to said district, and shall be served at least ten days before the adjourned day of review. Should such owners liable to an assessment be non-residents of the

Hearing by board of review.

Board of review can make changes in assessments.

Board can omit lands from drainage district.

When it may add lands to district.

Adjournments.

Notice of adjournment and contents.

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Notice to non-residents.

county there shall be a personal notice served on said owners as required above or a notice shall be published in some newspaper published in said county in at least two issues thereof, giving the description or descriptions of lands added to said assessment district; also giving the time and place where said board of review shall meet.

Decision of the board final except in case of appeal therefrom.

The action and decision of said board shall be final, except in case of an appeal therefrom. The action and decision shall be reduced to writing and signed by a majority of the board, making the same, and shall be delivered to the county drain commissioner, together with all other papers relating thereto.

Costs of appeal, how paid.

Section 5. In case the assessments of the county drain commissioner shall be sustained by such board of review, the appellant shall pay the whole costs and expenses of such appeal. Such cost and expenses shall be ascertained and determined by the judge of the district court, and if not paid the applicant shall be liable on his bond for the full amount of such costs in an action at law, to be brought by the county drain commissioner, on the bond before any court having competent jurisdiction.

Descriptions of lands.

Section 6. All descriptions of land under the provisions of this Act shall be made by giving the legal subdivisions thereof, whenever practicable, and when a tract to be benefitted or affected by such drain is less than such legal sub-division, it may be described by designation of the lot or other boundaries, or in some way by which it may be known.

School and State lands, how assessed.

Section 7. School and State lands shall be assessed their per cent of the cost of construction and the collection thereof be enforced as State and county taxes against lands are collected and enforced. School and State lands shall be included in all assessments the same as other lands, but the sum of all such drain taxes that may be assessed against any tract of school or State lands shall not aggregate a sum greater than fifty per cent of the price of which said lands are held by the State. Any amount apportioned and assessed upon school or State lands shall be reported by the county commissioners to the Registrar of the State Land Office within ten days after delivery of the assessement roll of the county treasurer. Said registrar of the State Land Office shall enter on the books of his office, against each description of such State lands, the amount of drain taxes assessed thereon, and shall certify the same to the Auditor who shall draw his warrant on the State Treasurer therefor, to be paid out of any funds in his hands not otherwise appropriated. Such amount shall be forwarded by the Registrar of the State Land Office to the county commis-

Notice to registrar of State land office.

Duty of State treasurer.

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sioners on or before the fifteenth day of January next, and shall by him be applied in payment of such taxes. No deed shall issue for such lands until all such drain taxes are paid with interest at six per cent.

Deed to issue when.

Section 8. Whenever the amount assessed for the construction of any drain shall not be sufficient to complete the same, and to pay all the costs and incidental expenses, a further assessment shall be made to meet the deficit or additional expense. Such further assessment shall be apportioned, assessed, levied and collected as provided in the first instance, and on the same percentage, and shall be collected in one year, but there shall be no review of, nor appeal from such further assessment.

When additional assessment may be made.

Section 9. Should any or all the persons so appointed as a board of review, neglect or refuse to serve, or be unable to act, the county drain commissioner shall adjourn the hearing for a sufficient length of time not exceeding in all thirty days, to enable him to apply to the district court for the appointment of other persons to act on such board of review and shall make public announcement of the time and place of such adjournment. The review shall thereupon be deemed a continuous proceeding and no further notice shall be required. The district court shall, upon the showing being made, either that any or all the persons appointed as aforesaid have neglected, refused or were unable to act as the case may be and of the adjourned day of meeting, at once, by order appoint such other person or persons or like qualifications as before to fill such vacancy. And the county drain commissioner shall notify the person or persons so appointed to fill such vacancy of his appointment and of the adjourned day of meeting. The person so appointed shall have the same power and perform the same duties as are herein provided for the board of review in the first instance. The persons acting as such board of review shall receive the sum of five ($5.00) dollars per day for each day actually and necessarily spent in the discharge of their duties as members of such board of review, and also the actual, necessary expenses incurred by them.

Proceedings in case persons appointed as a board of review refuse to act.

District court to appoint other persons.

Compensation to be paid to board of review.

Section 10. On the day of review, if objection is made in writing by land owners, the combined area of whose lands, comprise at least twenty-five per cent of the total area of the lands included in the district, to the construction of the proposed drain, on the ground that the cost will be greater than the benefits, then the said drain commissioner shall delay entering into a contract for the construction of the said proposed drain, for ten days. If at any time before the expiration of the said ten days, a petition is filed with said county drain commissioner, by

Objection by owners of 25 per cent of area, effect.

Postponement of letting of contract.

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Abandonment of proceedings, when.

land owners, the combined area of whose lands, will bear more than half of the total assessment levied against the whole district, requesting that the drain be not constructed, and if such petition is accompanied by the tender of money, or certified check on some approved bank, made payable to the county drain commissioner, in amount sufficient to cover all costs thus far involved in the proceedings of the proposed drain, then the said county drain commissioner shall abandon all further proceedings, in regard to the said proposed drain. If such objection to the construction of the drain is not made on the day of review in the manner described herein, then the county drain commissioner shall proceed forthwith with the letting of the contract for construction, and if such objection is made in the manner herein described but the request for the abandonment of the proceedings is not made in the manner described herein, or within the time specified herein, then the county drain commissioner shall at the expiration of ten days after such day of review, proceed with the letting of a contract or contracts for the construction of the said proposed drain.

When commissioner may let contract.

Drain commissioner may correct errors.

Section 11. If at any time before the assessment roll is filed in the office of the county clerk and recorder, the county drain commissioner shall discover that an error had been made in any of the proceedings, he shall have the right, and it shall be his duty to correct the same. If such error occurs in the omission or description of any tract of land in the final order of determination, or in the notice of letting of contract or in the assessment roll, he shall correct the same, and such error shall not exempt such tract from liability to proper assessment; provided that when such correction is made, the county drain commissioner shall serve notice on the owner, or owners, affected, in the same manner as is provided for serving notice for letting of contract. In case such owner or owners, conceive themselves aggrieved by such action of the county drain commissioner, they may make application for a board of review, in the same manner as is provided for reviewing the assessment, and the same proceedings shall follow as is provided therein.

Notice of correction of error.

Parties aggrieved may have review.

Misnomer of owner immaterial.

Section 12. When, under any of the provisions of this Act, special taxes and assessments are assessed against any tract of land, any railway or irrigation ditch as the property of a particular person or company, no misnomer of the owner or supposed owner, or other mistake relating to the ownership thereof, shall affect such assessment, or render it void or voidable.

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ARTICLE V.

LEVY AND COLLECTION OF DRAIN TAXES.

How drain commissioner shall ascertain entire cost of construction of drain ditch.

Section 1. After the day of review and in case of an appeal, then forthwith after such appeal shall have been decided and before the first day of August next following, the county drain commissioner shall make a computation of the entire cost of such drain, which shall include all the expenses of locating, establishing and constructing the same, including the commissioner's fees, cost of engineering, inspection and supervision, fees and expenses of special commissioners, and the amount of contracts for construction; also the cost of appeal in case the assessment of benefits made by the county drain commissioner shall not be sustained and all other expenses, and he shall add the whole into a gross sum and add thereto ten per centum of said gross sum to cover contingent expenses, and the entire sum so ascertained shall be deemed to be the cost of construction of said drain; provided, that when the drain shall have been completed before said assessment roll is made and filed with the county clerk and recorder, the said ten per centum shall not be added to said gross sum.

Proviso.

Drain commissioner shall make assessment roll for ditch.

Section 2. The county drain commissioner shall thereupon make an assessment roll for such drain, which roll shall be designated "(giving name) drain assessment roll," and he shall enter therein a correct description of the tracts, parcels or sub-divisions of land or against the county, incorporated town, railroads or any irrigation ditch assessed, as provided herein, and place opposite each description the amount of the assessment heretofore determined upon by him or by the board of review or court, as the case may be. He shall also enter thereon the amount of the taxes assessed against the county and the owners of irrigation ditches, railways, cities and towns, and in case such amount be payable in installments as provided in this Act, he shall also enter thereon a memorandum of the installments thereof and of the year or years when such installments shall be spread, and shall add a certificate in writing of his determination made and stated in the specifications, whether the taxes assessed for the construction of the drain shall be paid in one or more years. Such rolls shall be dated and signed by said drain commissioner and filed on or before the first day of August in each year, in the office of the clerk and recorder of the county in which such lands may be located.

Contents of assessment roll.

Certificate.

Filing of assessment roll.

Duties of county clerk.

Section 3. The county clerk and recorder shall, on or before the fifth day of August of each year, make and deliver to the county commissioners of his county a certi-

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fied statements of the several amounts of drain taxes to be assessed upon such county for the ensuing year, and shall specify therein the several amounts to be raised for each particular drain.

Further duties.

Section 4. The county clerk and recorder shall spread upon the assessment roll of the county all drain taxes levied and assessed, as provided for in this Act.

Collection of taxes.

Section 5. All drain taxes assessed under the provisions of this Act shall be subject to the same interest and charges, and shall be collected in the same manner as State and other general taxes are collected, and collecting officers are hereby vested with the same power and authority in the collection of such taxes as are or may be conferred by law for collecting general taxes. In all cases where suit is brought against the county treasurer arising out of the collection of any drain tax, the county shall defend such officer in the same manner that he had now the right to be defended in the collection of general taxes. No suit shall be instituted to recover any drain tax or money paid or property said therefor, or for damages on account thereof, unless brought within thirty days from the time of payment of such money to or sale of property by the collecting officer; and if such tax shall be paid under protest the reasons therefor shall be specified, and the same procedure observed as is or may be required by the general tax law. All taxes levied under the provisions of this Act, with all lawful costs, interest and charges, shall be and remain a perpetual lien upon the lands upon which they are assessed, and a personal claim against the owner or owners of such lands until they are paid.

Suit for failure to pay.

Payment under protest.

Taxes to be lien on lands.

Laws applicable to enforcing payment of taxes.

Section 6. If the taxes levied for the construction, cleaning out, widening, deepening, extending or maintenance of any drain are not collected by the county treasurer, they shall by him be returned, together with the lands upon which they were levied, to the county commissioners in the same return, at the same time, and in the manner, in every respect as lands are returned for State, county and city taxes, and such taxes, and all the general provisions of law now existing or that may be hereafter enacted for enforcing the payment of city, county and State taxes, shall apply to such drain taxes, and to the lands returned delinquent therefor, in the same manner and with like effect.

Orders or warrants on drain fund, how paid.

Section 7. All orders or warrants for the payment of services rendered, work performed or material supplied, or in payment for lands for right of way or for damages awarded, shall be drawn by the county commissioners, upon the drain fund of each particular drain, after the

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claims for such services rendered, work performed, material supplied, right of way or damage awards have been approved by the county drain commissioner. All orders or warrants for the payment of right of way, lands or awarded damages in excess of the amount of the assessment levied for benefits in each instance, shall, upon presentation, be paid out of the general fund of the county treasurer. The general fund shall be reimbursed for the amounts so paid out, from the first year's taxes of the particular drain on account of which they were drawn. All orders or warrants drawn for the payment of services rendered or expenses incurred, in the process of establishing, locating or supervising the construction of drains in the first instance, and the expenses incurred in the supervision of repairs, cleaning out, deepening, widening, extending or relocating established drains, shall be paid out of the first year's taxes, if they be sufficient therefor.

Orders or warrants for labor and material, how paid.

Orders or warrants issued for labor and material furnished under construction contracts, shall be paid as follows: Such funds as shall remain of the first year's taxes, if any, after the hereinbefore mentioned amounts shall have been paid, shall be pro-rated among the different contractors, if there be more than one, and warrants issued therefor. Where the assessment for construction is spread over succeeding year, the funds shall be pro-rated among the different contractors, if there be more than one, and warrants issued for such pro-rated amounts. Provided, that orders or warrants drawn for the payment of all other claims than those specifically mentioned herein, shall be payable in the same manner and under the same conditions as warrants drawn on other county founds.

Other claims, how paid.

Warrants to bear interest.

Warrants shall bear interest at the rate of six per cent per annum, from the time they are drawn until they are paid, or until notices are given to those to whom they are issued or, when registered, in whose names they are registered, that money is available for their payment.

Warrants of different denominations may be drawn for one claim.

Whenever the drain commissioner or the county commissioner deem it expedient, a claim may be paid by issuing warrants therefor, of various denominations, the sum of which will equal the amount of the claim, instead of issuing one warrant for the entire claim.

Interest on outstanding warrants, when paid.

Section 8. When the assessment levied to defray the expenses incurred in the establishment, construction, cleaning out, repairing, deepening, widening or improving in any manner any drain, is payable in more than one installment, the interest on all outstanding warrants shall be paid annually on the first day of January of each year, unless the board of county commissioners prescribes some other date. The form of warrants to be used in such case

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may be changed to conform substantially to the following, and may be designated by using either the word "warrant" or "bond."

Form of warrant or bond.

.....Drain District.....

United States of America,
State of Montana,

County of .....

Dollars

Warrant (or bond) No.....

$.....

Interest at the rate of 6% per annum.

.....Drain District Coupon Warrant (or bond) issued by.....County, State of Montana.

The Treasurer of the County of....., State of Montana, will pay to..... or bearer, the sum of.....Dollars, as authorized by the First Order of Determination made on the.....day of....., 19....., and the Final Order of Determination made on the..... day of....., 19....., by the County Drain Commissioner, creating the..... Drain District in said county for the construction of the drain and appurtenances as authorized by said Orders of Determination to be done in said.....Drain District, and all laws relating thereto, in payment of the contract or contracts in accordance therewith. The principal and interest of this warrant (or bond) are payable at the office of the County Treasurer of..... County in....., Montana.

This warrant (or bond) bears interest at the rate of six per cent (6%) per annum from the date of issuing of this warrant (or bond) as expressed herein, until the date called for redemption by the County Treasurer. The interest on this warrant (or bond) is payable annually on the first day of..... in each year, unless paid previous thereto and as expressed by the interest coupons hereto attached, which bears the engraved facsimile signature of the Chairman of the Board of County Commissioners and the County Clerk and Recorder.

Form of warrant or bond.

This warrant (or bond) is payable from the collection of a special tax or assessment which is a lien against the real estate within said Drain District, as..... described in said Orders of Determination hereinbefore referred to.

This warrant (or bond) is redeemable at the option of the County at any time there are funds to the credit of said Drain District Fund for the redemption thereof, and in the manner provided for the redemption of the same.

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It is hereby certified and recited, that all things required to be done precedent to the issuance of this warrant (or bond), have been properly done, happened and been performed in the manner prescribed by the laws of the State of Montana and the Orders of Determination of the County Drain Commissioner of ..... County, Montana, relating to the issuance thereof.

(Seal)

Dated at ....., Montana, this..... day of ....., 19.....

.....County, Montana.

By.....

Chairman of Board of County Commissioners.

Attest:

.....

County Clerk and Recorder.

Registered at the office of the County Treasurer of .....County, Montana, this..... day of....., 19.....

.....

County Treasurer.

Registration of warrants.

Such warrants (or bonds) shall be signed by the chairman of the board of county commissioners and the clerk and recorder, and shall bear the corporate seal of the county. They shall be registered in the office of the county treasurer, and interest coupons shall be attached thereto, which shall also so be registered and shall bear the signature of the chairman of the board of county commissioners and the clerk and recorder; provided, however, that said coupons may bear the facsimile signature of said officers in the discretion of the board of county commissioners.

Denomination of warrants or bonds.

Said warrants (or bonds) shall be in denomination of one hundred ($100.00) dollars or fractions or multiples thereof; and may be issued in installments, and may extend over a period not to exceed ten years. Such warrants (or bonds) shall be redeemed by the county treasurer when there are funds in the drain district fund against which said warrants (or bonds) are issued, available therefor; provided that the county treasurer shall first pay out of such drain district fund annually such warrants (or bonds) as were issued for the payment of services rendered, or expenses incurred, in the process of establishing, locating, or supervising the construction or repairing of drains, as provided in the preceding article. After the above mentioned warrants (or bonds) together with the interest thereon, have been paid, the said county treasurer, shall pay out of such drain district fund, the interest on all outstanding warrants (or bonds) on pres-

Redeemable when.

What to be paid before redemption.

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entation of the coupons belonging thereto, and any funds remaining shall be applied to the payment of the principal and the redemption of the warrants (or bonds) in the order of their registration; and provided further, that whenever there are any funds in any drain district fund after paying the interest on such warrants (or bonds) drawn against said fund, the county treasurer shall call in for payment outstanding warrants (or bonds) which, together with the interest thereon to the date of redemption, will equal the amount of said fund on that date, which date shall be fixed by the county treasurer who shall give notice by mail to those in whose names such warrants (or bonds) are registered, or to the holder or holders of such warrants (or bonds) if their address be known. Such notice shall contain the number of warrants (or bonds) and the date on which payment will be made, which date shall not be less than ten days after such notices are mailed and on which date, so fixed, interest on such warrants (or bonds) shall cease.

Payment of interest coupons.

Warrants to be called in for payment, how.

Notice of payment.

Cost of printing warrants.

The cost of printing this special form of warrant shall be paid for out of the drain fund for which they are intended to be used.

Injunction not to issue when.

Section 9. After any taxes have been assessed for the construction, location, establishment or repairing of any drain, no injunction shall issue to restrain the collection thereof, nor shall the same be in any manner stayed, unless the amount of such assessment shall first be paid into the county treasury to be applied upon such tax, in case the court in which the suit upon which such injunction is tried shall so order.

Re-assessment to be made when.

Section 10. Whenever any drain has been located and established and the work of construction completed or partly completed, and payment or provision for payment for the same has not been legally made, the county drain commissioner shall, on application being made to him by any person or persons interested in the construction and maintenance of the said drain and the assessment of taxes therefor and for the payment of the same, without unnecessary delay proceed to relay and complete such drain under the provisions of this Act, and re-assess upon such lands, railways, irrigation ditches, cities or towns, or any portion thereof, which is liable to assessment, and the original cost thereof, together with the expenses of relaying and completing, and continue so to do until such drain has been legally established and constructed; provided, that on such relay or completion of drain proceedings it shall not be necessary to re-advertise a day of letting, but he shall advertise a day of review for benefits, which review may be held in the office of the county

Re-advertising of letting of contract to complete drain not necessary.

Persons who paid tax, to be credited for what amount.

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drain commissioner; provided further, that any person who has paid the tax for benefits assessed against him for such drain shall be allowed the amount so paid and the county treasurer or other officer authorized to receive payment for taxes assessed in any county or city shall accept the receipt heretofore issued or the certificate of the county treasurer that such taxes were paid, for the payment of such drain taxes as cash and the same to be applied on such renewed assessment. The receipt so received by the county treasurer or other officer shall be credited to him and allowed as money.

Drain commissioner may begin new proceedings, when.

Section 11. In case any drain tax assessed, shall be set aside except for causes that would deprive the county drain commissioner of jurisdiction to construct the drain, the drain commissioner may begin proceedings anew at the stage where they shall be correct. In case a drain tax can or may be set aside for error in description or other defects in the county drain commissioner's or county treasurer's roll, the county drain commissioner shall report same to the board of county commissioners at their next regular session who shall order the same re-assessed upon the proper description. Such report may be made at any time before the sale of the land for such tax.

Duty of commissioner when tax set aside.

Drain commissioner a party to suit.

Section 12. In any suit brought to set aside any drain tax, in any way attacking the legality of any drain proceedings, the county drain commissioner shall be made a party to said suit, and it shall be the duty of the county attorney of the county in which said drain is situated to defend said drain proceedings.

Assessment roll for maintenance charges.

Section 13. For the purpose of providing the necessary funds for inspecting, superintending, repairing, protecting and maintaining the several drains within his jurisdiction the county drain commissioner shall in conjunction with two interested tax paying freeholders of the drain district who shall be appointed by the board of county commissioners of the county in which such drain is located and who shall receive four dollars per day for each day necessarily employed make an assessment roll, for each drainage district, similar to that made to provide for the cost of construction in the first instance, which shall be filed on or before the first day of August in each year, in the office of the clerk and recorder of the county, and such assessment roll, and drain taxes thus levied, shall be treated in all respects in the same manner as hereinbefore provided for the levying of drain taxes and assessments. Provided, that the amount of funds levied each year in any district shall be identical with that contained in the previous annual report of the drain commissioner unless the Board of County Commissioners

Who to make roll.

Filing of roll.

Limit of amount to be levied.

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shall on or before the 15th day of June for good cause, change or alter such amount. Provided further, that the amount of such annual assessment in any drain district shall not exceed five per cent of the total cost of construction of the drain in that district. Provided further, that in case the benefits for inspection, superintending, repairing, protecting and maintaining the drain, shall accrue to the various tracts of land, comprising the district in a different proportion than the benefits for the construction in the first instance, then the county drain commissioner shall make such changes in the manner of assessment as shall equalize the same.

Further proviso.

Equalization of assessment for maintenance.

ARTICLE VI.

Drains Traversing More Than One County.

Where drain traverses more than one county, procedure.

Section 1. Whenever it may be desired to construct a drain traversing more than one county, or affecting lands lying in more than one county, application therefor shall be made to the county drain commissioner of either county traversed by the proposed drain. Such application shall be subject to the same conditions and the applicants to the same obligations and liabilities as in other drains under this Act.

Proceedings of drain commissioner after examination.

Section 2. If, upon examination, the county drain commissioner shall deem the same to be necessary and for the good of the public health, convenience or welfare, he shall, as soon as practicable thereafter, fix a time and place of meeting, and notify the county drain commissioner or commissioners of such other county or counties to that effect, and furnish him or each of them with a certified copy of such application. Such county drain commissioner or commissioners shall, at the time and place as fixed above, meet with the county drain commissioners having the original application, and they shall thereupon and thereafter jointly take all steps, and perform all acts and sign all papers, as county drain commissioners are required to do singly in the case of other drains, including the application to the district court.

Drain commissioners of counties to act jointly.

Proceedings where property owners refuse to release right of way.

Section 3. In case all the persons whose lands are traversed by such drain, as proposed in this article, shall not within twenty days after the issue of the first order of determination as provided in this Act, have voluntarily released the right of way therefor and all damages on account thereof, the county drain commissioners shall apply to the judge of each judicial district in which any such unreleased lands may be situated for the appointment of three special commissioners. When such application shall be made and when all papers shall have been found to be in conformity with the provisions of this Act, the

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court to whom such application has been made shall appoint such special commissioners and shall deliver to each commissioner a certified copy of the order of the appointment of such special commissioners. Such special commissioners shall be resident freeholders of the county or counties and not residents of the district or districts, to be traversed by the proposed drain, in which they are appointed. The same commissioners may be appointed by each court. All proceedings had in the appointment of special commissioners, under the provisions of this article shall be similar to those provided herein for the appointment of other special commissioners.

Special commissioners to be appointed by court.

Qualifications of commissioners.

Section 4. When such special drain commissioners shall have been notified of their appointment in the manner as provided herein, they shall at the time and place fixed by the district court, meet with the county drain commissioners of the respective counties in which such proposed drain is applied for, and view the whole line of such drain, or such portion thereof as shall be deemed sufficient, and shall, under the same oath and condition, perform their services in the same manner and with like effect as hereinbefore provided in this Act, for other special commissioner. Before any contract for the construction of any part of any such drain shall be let, the county drain commissioners shall agree and determine upon the just per cent of the whole cost of construction which each county shall bear, which determination shall be in writing and signed by them, and a copy thereof made for each county drain commissioner whose county is affected by said drain; provided, if said county drain commissioners cannot agree and determine the just per cent of the cost of construction that each county shall bear, then it shall be their duty to select a county commissioner from some adjoining county, not affected by such drain, who shall have the power to determine said per cent for them, and said county commissioner's decision of the just per cent shall be final, and they shall make copies of said determination as above provided. The costs and expense of said county commissioner shall be paid the same as those of the county drain commissioners of the counties affected by such drain.

Meeting of special commissioners.

Their duties.

Apportionment of cost between counties.

Disagreement of county drain commissioners, procedure.

Referee's decision final, his compensation.

Section 5. Each commissioner shall thereupon assess within his own jurisdiction such amount as may have been determined upon, and shall assess against the county, railways, irrigation ditches, cities or towns, or any portion thereof subject to assessment such per cent thereof as may be justly charged against them severally for the construction of such drain, and the balance he shall apportion against the lands in proportion as they will be

Commissioners of each county to assess benefits.

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Duty of drain commissioner of each county as to assessments.

benefited thereby. Each county drain commissioner shall furnish such several assessments to the clerk and recorder of his own county, in which the lands affected thereby may be situated, and such assessments shall be computed, divided, spread, collected and returned in the same manner, in every respect, as provided in the case of other drains constructed under this Act. Such assessments shall be subject to the same right of appeal and under the same conditions as hereinbefore provided. The taxes for such drains shall be collected by the county treasurer of their respective counties to be disbursed by him.

Collection of taxes, right of appeal.

Record of drains in each county.

Section 6. A full record of such drains shall be made and entered by the several drain commissioners in the drain record books of their respective counties, and a certified copy of all the papers relative to the construction of such drain shall be delivered to the other county drain commissioners by the drain commissioner having the original application which certified copies shall be filed in the office of the County Clerk of their respective counties. The parts of each of such drains situated and lying in one county shall thereafter be under the care and supervision of the county drain commissioner of such county, subject, however, to the provisions of Section 8 and 9 of this article.

Each county to care for drains within its boundaries.

When drain enters adjoining state, method of procedure.

Section 7. Whenever any proposed drain lies wholly or partly in an adjoining state, or the lands to be drained thereby lie partly in an adjoining state, application for the construction of such drain may be made to any county drain commissioner representing any county in this state in which any portion of such proposed drain or lands to be affected thereby lie, and the same proceedings shall be had touching the portion of such drain or the lands to be drained or affected thereby, lying within this State, as are provided in this Act in the case of drains and lands lying wholly within this State; provided, that before any expense shall be incurred in relation to any such proposed drain, a voluntary release of the right of way for construction of such portion of such drain as may lie without this State, and an agreement to keep the same or permit the same to be kept clear from obstruction, shall first be obtained from the parties owning lands outside of this State through which such drain or portion thereof is to pass and such release and agreement shall be filed with the said drain commissioner, and shall form a part of the record of his proceedings in the premises.

Release of right of way outside of State to be obtained before incurring expense.

Repairing drains traversing more than one county.

Section 8. Each county drain commissioner shall maintain and keep in repair and good order, the portions of all joint county drains which are in his county, so far

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as the funds, herein provided for such purpose, will permit. All work and expenses involved in such maintenance shall be done only after the same has been ordered jointly by the county drain commissioners, having jurisdiction over the entire drain. Provided, that all such work shall be done under the same provisions which govern the maintaining and repairing of drains, as are made in Section 1 of Article VII of this Act. For the purpose of providing funds for inspecting, superintending, repairing, protecting and maintaining joint-county drains which have been established and constructed, the county drain commissioners, having jurisdiction over such drains, shall determine the amount of funds necessary for such purpose, and the proportion which shall be levied against the drainage districts in each county, and each shall include this amount in the report made to the county commissioners at their regular June meetings. Each drain commissioner shall make an assessment roll for the portions of the drainage district in his county, under the same provisions as are made in Section 13 of Article V of this Act. Provided, that, when in the opinion of such drain commissioners, the cost of any contemplated repairs will exceed the amount of funds available for such purpose, no proceedings shall be had until an application shall have been made, as provided for in Section 9 of this Article.

Joint action necessary, when.

How funds to be provided for purpose.

Each drain commissioner to make separate assessment roll.

Proceedings not to be had until when.

Section 9. Whenever a drain heretofore established and which was constructed in and traverses more than one county needs cleaning out, deepening, widening, extending, repairing or any protective work, the cost of which will, in the judgment of the drain commissioner, exceed the funds available, any five freeholders of either county by which such drain is traversed (or affected) one or more of whom shall be owners of land which at the time of its construction was assessed therefor, may make application to the county drain commissioner of either county in which such drain is situated, setting forth the necessity thereof. If, upon examination such drain commissioner shall deem the same to be necessary and for the good of the public health, he shall as soon as practicable thereafter, notify the county drain commissioner or commissioners of such other counties and furnish them with a certified copy of such application, and they shall thereupon meet and jointly take such measures as are provided in this article relative to drains traversing more than one county, and act in like manner, as provided in this Act in the manner of establishing drains.

Procedure when repairs necessary and funds not available.

Joint meeting of drain commissioners to devise ways and means.

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ARTICLE VII.

Jurisdiction, duties and powers of drain commissioner.

Section 1. The county drain commissioner shall have jurisdiction over all established drains, and it shall be his duty to keep them in proper condition and repair, insofar as the funds at his disposal herein provided for, will permit. He shall have the power and authority, and it shall be his duty, to expend such amounts for properly maintaining and protecting such drains at such times and in such manner, as he may deem proper, provided that the amount or amounts so expended on any drain during any year, shall not exceed the amount of the funds available for such purposes within such year. He may have such work performed and may purchase the materials therefor, provided such work and materials for any one drain do not exceed an expenditure of five hundred dollars ($500.00), without receiving bids, and awarding a contract therefor. Whenever the said county drain commissioner may deem it advantageous he may enter into a contract upon the best terms obtainable to have such work performed, or materials furnished but under no circumstances shall he expend more than Five Hundred ($500.00) for any one purpose, on any one drain, portion or section thereof, without receiving bids for doing the work and furnishing the materials therefor after advertising the same for at least ten days, and awarding a contract for the same. Whenever a drain, or any portion thereof, needs cleaning out, straightening, deepening, widening, repairing or extending, or whenever any protective work, such as the construction of surface ditches, inlets, subsidiary drains, lateral drains, branch drains or any appurtenances, is necessary; or whenever an increase in the size of the conduit of a blind or covered drain is necessary, or a relocation of a portion of such drain is necessary, or would be more conducive to subserving the purpose or purposes of such drain, and the total cost of such work, in the judgment of the drain commissioner, will exceed the amount of funds available for such purpose, it shall be necessary, before any proceedings are commenced, for at least five freeholders of the districts in which such drain is situated, one or more of whom shall be owners of land liable to an assessment for benefits in having such work performed, to make application, in writing, to the county drain commissioner, setting forth the necessity therefor and if in his judgment, the request of the applicants should be granted, he shall proceed in the same manner as is provided in this Act, for the location and construction of a drain in the first instance, expecting that he shall issue but one order of determination, instead of two. This order of determina-

Limit of expenditure without letting contract.

May enter into contract, when.

Exigencies, application of five freeholders necessary to action, when.

Order of determination, contents.

Assessments, how to be proportioned.

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tion shall describe the petition received for the proposed work, and shall contain a statement that plans and specifications have been prepared for the work, the manner of providing the funds for payment of the work, a description of the work which it is proposed to do, a description in the change in location of any portion of the drain, if any there be, and a description of the route of any extensions, branches or laterals, and the dimensions of the same. The assessments against the various tracts of land in the district, in which this work is to be performed, shall be in proportion to the benefits so far as it is possible to determine, and the damage caused by seepage or overflow from irrigation ditches and from higher lands, and for this purpose the county drain commissioner may use the same manner of making the assessment as was used in the construction of the drain, in the first instance, or he may make such changes, as in his judgment, shall be deemed just and equitable. The application need only refer to the drain by name, and the county drain commissioner may have such work performed as will best accomplish the results sought for in the application, and need not be limited to what is specifically set forth in such application. Before the contract of any work is let the necessary right of way required for the purposed drain, branches, or laterals shall be obtained.

Work to be done, discretion of commissioner.

Right of way first to be obtained.

Section 2. Such assessment, and the collection, returns and enforcement thereof, shall be made in the same manner and under the same provisions as in this Act is provided for drain taxes assessed, collected, returned and enforced in the first instance. In case the necessity for any cleaning out of repair work arises from the act or neglect of any land owner or tenant, said act or neglect shall be taken into consideration by the county drain commissioner, in such assessment, and he shall make a record in the minutes of such drain kept by him, of the facts taken into such consideration in making such assessment. The work involved in placing the drain in a proper condition as sought for in the application shall be advertised and let, and the contracts therefor, awarded and accepted and paid for, as provided for in the first instance.

Collection and enforcement of tax.

Injury to drain by neglect of owner, effect.

Work to be let by contract.

Section 3. All drains regularly established, opened or constructed under any provisions of law heretofore existing, shall be deemed to be legal drains under this Act, and shall hereafter be under the jurisdiction of the county drain commissioners, and in all drains traversing more than one county and heretofore constructed shall hereafter be under the jurisdiction of the county drain

What deemed legal drains.

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What drains deemed regularly established.

commissioner of the counties traversed by said drain acting jointly, and any drain that has been established for ten years shall be conclusively deemed to have been regularly established, and it shall be the duty of the county drain commissioner, where no records of such drains have been preserved, to see that the records of such drains are made in the most practicable manner in the drain records of their respective counties.

Powers under Act include what.

Section 4. All powers conferred by this Act for establishing and constructing drains and for the enforcement of assessments thereof, shall also extend to and include the cleaning out, straightening, deepening, widening, extending, protecting and repairing, of any drains which heretofore have been laid, or may hereafter be constructed; also to straightening, cleaning out and deepening the channels of creeks and streams, and the constructing, maintaining, remodeling and repairing of levees, dikes, and barriers for the purpose of drainage. The county drain commissioners may relocate portions of any drain in order to make it more serviceable, or more easily maintained, and he may relocate or extend, the line of any drain, if the same be necessary in order to provide a suitable outlet, in which case he shall cause a survey thereof to be made; provided, that no proceeding affecting the rights of persons or property, shall be had under this section, except upon a like application, notice, hearing and award prescribed in this Act, for the construction of drains in the first instance.

Drain commissioner may cause survey to be made.

Proviso.

Vacation and abandonment of drain.

Section 5. The county drain commissioner may, upon proper application as required in this Act for repairing a drain, and upon giving fifteen days' notice thereof by posting said notice in three conspicuous places along the drain, declare any drain vacated and abandoned if in his judgment the same has ceased to be of public utility; provided, that private rights of persons acquired by reason of the location and establishment of such drain shall not be interfered with, or in any way be impaired thereby. The parties so applying shall pay all expenses of such vacating and abandonment.

Proviso.

Who to pay cost of abandonment.

Maintenance of drains established heretofore.

Section 6. Drains for which an application has been made or which has been constructed, under the provisions of any law heretofore enacted, may be laid, constructed, completed, relaid, cleaned out, widened, deepened, extended or maintained, as the case may be, under the provisions of this Act.

Use of blind drains, as to waste water.

Section 7. Where blind drains are constructed, they shall not be used for conducting waste water, resulting from irrigation, or from other sources, when possible to avoid the same. The county drain commissioner, may

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in exceptional cases, where good cause can be shown for so doing, grant permission in writing to allow such waste water to enter such blind drain; provided, that the capacity of such drain is ample enough to carry such waste water in addition to the normal flow in such drain. Whenever any person shall obstruct any established drain or allow waste water to enter it without the permission, in writing, of the county drain commissioner, it shall be the duty of said drain commissioner to cause such obstruction to be removed, and to prevent the inflow of such waste water. The person or persons, causing such obstruction, or allowing such waste water to enter such drain, shall be liable for the expense attending the removal of such obstruction, or the repairing of the damage caused by such waste water, entering the drain, or both, together with charges of the drain commissioner, and the same shall be a lien upon the lands of the party, or parties, causing or permitting such acts to be done; and all of the expenses, shall, by the drain commissioner, be reported to the board of county commissioners, together with the report of his doings in the premises, and by such board, shall be ordered spread upon the land of the offending party or parties, should the same remain unpaid until the first day of August next following. Provided, that the owner or occupants of the land on which the obstruction is claimed to exist, or who are responsible for allowing such waste water to enter the drain, shall be given a notice of at least five days, to remove such obstruction or repair such damage, or both, resulting from such obstruction or waste water. This provision as to the obstruction of any drain, shall not apply where the obstruction was caused by natural causes, but the owner of stock who shall permit his horses, cattle, pigs or other stock to obstruct any drain by tramping in it or otherwise, shall be deemed to be the party causing such obstruction. Nothing contained in this section shall in any way impede or bar the right of any person to make criminal complaint, under any existing law, for any obstruction or damaging of a drain.

Proviso.

Obstructing or allowing waste water to enter drain.

Person liable to cost of repair.

Commissioner shall make report.

Notice to remove obstruction or make repair.

Obstruction by live stock, who deemed guilty party.

Criminal prosecution.

ARTICLE VIII.

Miscellaneous.

Section 1. When in the opinion of the board of county commissioners it becomes necessary the county drain commissioner may appoint one deputy or more whose duty it shall be to act in conjunction with him or in his place. Such deputy or deputies when so appointed, shall file a bond with the county commissioners, to be approved by them in the sum of one thousand dollars, for

Deputy may be appointed, when.

Official bond.

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the faithful performance of duties. Such appointments, when so made, shall be in writing and filed with the clerk and recorder of the county.

Duties of deputy.

Section 2. Deputy county drain commissioners shall be under the supervision of the county drain commissioner, and shall perform such duties as may be designated by him, and shall have all the powers and authority granted in this Act to the county drain commissioner, when acting for him. They shall receive for their compensation not more than four dollars for each day actually and necessarily spent by them in the discharge of their duties, together with necessary expenses incurred.

Compensation.

Books and blanks to be procured by county clerk.

Section 3. County clerks and recorders shall be authorized and it shall be their duty to procure at the expense of their respective counties the necessary office equipment, books, blanks, and stationery for the use of drain commissioners and each county drain commissioner shall furnish upon request blank applications to any person who may desire to file an application for the locating of any drain.

Compensation of drain commissioners.

Section 4. Drain commissioners shall receive for their services not to exceed five dollars per day for each day actually and necessarily spent by them in the discharge of the duties of their office, together with necessary expenses incurred in such discharge of duties.

Accounts to be verified.

Section 5. The accounts of such drain commissioner or his deputy shall be verified by the oath of the drain commisisoner or deputy.

Compensation of special commissioners.

Section 6. Special commissioners and members of boards of review shall receive five dollars per day as their compensation for each day's services actually rendered, together with necessary expenses incurred, and newspaper publishers shall receive contract rates for advertising.

Cost of advertising, rate to be paid.

Duty of attorney general.

Section 7. It shall be the duty of the Attorney General upon the passage of this Act to revise, or cause the same to be done under his supervision, the set of blank forms now in use and required under the provisions of this Act, to conform to the said provisions thereof; and it shall be the duty of the Secretary of State to publish a sufficient number of copies of this Act in pamphlet form with an index thereto, together with an appendix containing a copy of all such blank forms.

Duty of secretary of state.

Misdemeanor.

Section 8. If any person shall wilfully or maliciously remove any section or grade stake set along the line of any drain, or obstruct or injure any drain, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars, and the costs of prosecution or in de-

Fine and cost of prosecution.

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fault of the payment thereof, by imprisonment in the county jail not exceeding ninety days.

Attorney general to represent State, when.

Section 9. In all proceedings under this Act when the State shall be an interested party and liable to be assessed for benefits, it shall be the duty of the Attorney General of the State in which such lands are situated, to represent the interests of the State, and to appear in its behalf, and he shall make a report of his actions in each case to the Register of the State Land Office.

When drain commissioner disqualified to act.

Section 10. Whenever the county drain commissioner of any county shall receive a petition asking for the laying out, cleaning out, deepening, widening or repairing of any drain, or a petition asking proceedings by virtue of which an assessment upon lands for benefits received would result, wherein such county drain commissioner shall be interested by reason of himself, wife or child, owning lands that would be liable to an assessment for benefits upon the work or proceeding proposed to be done or had, such county drain commissioner may be disqualified to act in the proceedings incident to the construction and completion of such contemplated work. In order to effect such disqualification, such county drain commisisoner may file a petition with the Judge of the district court requesting the appointment of a special drain commissioner to act upon the drain in question, or, three or more freeholders of lands subject to assessment for benefits which may result from the work contemplated, may file a petition with the judge of the district court stating that the county drain commissioner, his wife or child, owns lands subject to assessment for the drain in question and requesting the appointment of a special county drain commissioner. In all cases, such petition for the appointment of a special drain commissioner shall be made before the day designated for the letting of contract, otherwise, the county drain commissioner shall not become disqualified acting in the proceedings of the construction or repair of the drain in question.

How to effect disqualification.

Petition for appointment of special commissioners.

Notice of filing of petition.

Section 11. Upon receiving such petition, and certificate or request aforesaid, the judge of the district court shall give notice by publication of the filing of a petition and of a day of hearing to consider the appointment of such special county drain commissioner. Such notice shall recite that a petition affecting a certain drain, naming the location in the township to be affected thereby, has been filed with him, and that it is claimed that the county drain commissioner is disqualified to act thereon, and shall fix the day of hearing to determine whether such county drain commissioner is disqualified, and if he

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is, to appoint a special county drain commissioner in the premises. Such notice shall be printed in some newspaper published and of general circulation in the county in which the drain is situated at least once a week for three weeks next prior to the day of hearing so fixed. Such publication shall be in full and complete notice to any and all parties in interest.

Publication of notice.

Hearing on petition for disqualification.

Section 12. On such day of hearing or to such other time or times as the court may adjourn, not exceeding thirty days in all, the court shall proceed to hear the allegations of the parties in interest and shall determine whether or not the county drain commissioner is disqualified to act in the premises. If the county drain commissioner shall be found not to be disqualified, the court shall order the proceedings before it dismissed, and turn such petition over to the county drain commissioner for his action thereon. If the county drain commisisoner shall be found to be disqualified in the premises, the court shall thereupon appoint some disinterested resident of said county not a resident or freeholder of the districts proposed to be affected by the drain in question, to act as a special county drain commissioner of and over the drain in question.

When special commissioner to be appointed.

Powers of such special commissioner.

Section 13. For the purpose of carrying on and completing the proceedings on said drain, and the construction and work thereon, such special county drain commissioner shall have all of the powers of the county drain commissioner over said drain and its drainage or assessing district, and shall take all of the steps and proceedings the county drain commissioner should take by law in like circumstances where he is not interested.

Shall give official bond.

Section 14. Such special county drain commissioner shall qualify within ten days after notice of such appointment before the Clerk of the District Court, giving a bond in the penal sum of two thousand dollars, with surety or sureties to be approved by such court, conditioned in the same manner as is required in the bond of the county drain commissioner.

Compensation of special commissioner.

Section 15. Such special county drain commissioner shall receive the same compensation as shall be allowed to the county drain commissioner, and his services shall be allowed in the same manner as is or shall be provided for allowing the services of the county drain commissioner, and shall be paid from the drain fund of the drain upon which he works.

Duties of special commissioner.

Section 16. Such special county drain commissioner shall make his assessment rolls upon such drain, and deliver the same to the county drain commissioner. Such special county drain commissioners shall likewise certify

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to the county commissioners orders to be drawn upon such drain fund, and the county commissioners shall draw the orders so certified; provided, the county commissioners shall not be obliged to draw such orders if they shall ascertain that the work for which they are to be given is not done as certified.

Section 17. On the completion of the proceedings and the construction of the drain in question, such special county drain commissioner shall deliver all of his papers and proceedings upon said drain to the county drain commissioner to be by him recorded as in other cases.

Duty of special commissioner upon completion of work.

Section 18. In the case of a drain affecting more than one county, and any county drain commissioner shall be disqualified to act thereon, a special county drain commissioner for that county shall be appointed in the manner herein provided, with the powers and duties herein provided.

Drain commissioner to furnish special commissioner papers, etc.

Section 19. The county drain commissioner shall furnish such special drain commissioner the necessary papers and stationery to be paid for out of the general fund of the county.

Appeal by dissatisfied owner.

Section 20. Any owner of lands taken for right of way for drain who is dissatisfied with the award made by special commissioners under this Act, may appeal from such award to the district court, and such appeal shall be taken, tried and determined as are appeals from awards of commissioners in actions for condemnation of lands under Title VII, Part III, of the 1907 Code of Civil Procedure, in so far as the same may be applicable.

Appeal, how tried.

Certified copy of decree sufficient release of land.

A certified copy of the final determination of the court on such appeal shall be filed with the county drain commissioner. In case of such appeal being taken a certified copy of the final determination by the court shall be deemed sufficient release of the lands necessary to be taken for such drain, and upon which damages are awarded, in the county in which they are situated, in trust to and for the uses and purposes of drainage, and for no other use or purpose whatever.

Construction of lateral drains, procedure.

Section 21. Whenever three or more persons who own lands within a drain district, which have been assessed for the construction of such drain shall desire to further facilitate the drainage of their lands by the construction of a lateral drain, they may proceed to have such drain established, located and constructed, in the manner provided in this Act for the construction of drains in the first instance, and the drain commissioner shall proceed in the same manner to locate, establish and construct such drain, and make the assessments therefor, and when such drain is completed, it shall become a part of the

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Application for lateral drain, number of signatures.

drainage system of the original district, and shall be under the jurisdiction of the county drain commissioner, and shall be maintained with the funds provided for maintenance, derived from such original district. Provided, that the application for the location and establishment of such lateral drain need be signed by only three or more owners of land liable to assessment for benefits, in the construction of such lateral drain.

ARTICLE IX.

Repealing clause.

Section 1. All Acts and parts of Acts in conflict herewith are hereby repealed.

ARTICLE X.

Section 1. This Act shall be in full force and effect from and after its passage and approval.

Approved March 11, 1915.

CHAPTER 148.

"An Act to amend Section 2891 of the Revised Codes of the State of Montana of 1907, relative to the time when the regular meetings of the Boards of County Commissioners of the several Counties shall be held."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2891 of the Revised Codes of Montana of 1907 be amended to read as follows:

County commissioners, regular meetings.

"The Board of County Commissioners, except as may otherwise be required of them, may meet at the county seat of their respective counties on the first Monday of each and every month of the year, for the purpose of allowing bills and attending to any other business that may regularly come before them, and may sit not exceeding three (3) days at each session, except the December session, at which time they may sit not exceeding eight (8) days. But the Board may at any time, by giving at least five (5) days public notice, hold an extra session of not over three (3) days' duration; provided, that the limitations as to the time of sessions of the Board of County Commissioners contained in this section shall not apply to counties of the First, Second, Third or Fourth Classes.

Time limit.

Exception.

Extra sessions.

Time limit not to apply to certain counties.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 16th, 1915.

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CHAPTER 149.

"An Act relating to appeals to the Supreme Court and making regulations concerning the same and concerning records and papers to be used on such appeals."

Be it enacted by the Legislative Assembly of the State of Montana:

What papers deemed part of record on appeal.

Section 1. All pleadings, docket entries, minute entries, judgments, all the minutes of the trial court, including all papers and files, all testimony, exhibits and other evidence, whether settled in a bill of exceptions or statement of the case or not, shall be deemed to be brought up by an appeal and to be subject to review and to be deemed part of the record on appeal in all cases. It shall not, however, be necessary actually to bring all such papers before the Supreme Court or to print them; only such as may be material or proper or necessary to be considered on the appeal need be brought up or printed.

What papers to be brought up on appeal.

Supreme court may make rule as to contents of record.

The Supreme Court may ordain rules to regulate the manner in which any such papers may be brought up. In the absence of such rules, the following procedure may be followed:

Procedure in absence of rule.

If the appellant desire to incorporate in his transcript all or a part of the stenographer's notes or transcript, or any paper or matter not appearing in the judgment roll or in a bill of exceptions or statement of the case, he shall serve upon the opposite parties or their attorneys, at or prior to the time of the filing of the notice of appeal, or within five days thereafter, and file with the clerk of the District Court, a praecipe stating what papers and what, if any, part of the stenographer's notes or transcript he desires to have incorporated in the transcript on appeal. Within fifteen days thereafter or such further time as may be granted by the District Court or judge or by the Supreme Court or a judge thereof, any other party to the case or person having a right to be heard thereon, may serve on the appellant or his attorneys and file with the said Clerk praecipe specifying what other matters or other evidence or parts of evidence he desires to have incorporated in the transcript on appeal. A transcript of the papers so designated by the respective parties shall, unless ordered by the Supreme Court, be deemed sufficient for all purposes of the appeal, unless suggestion be made to the Supreme Court of a diminution of the record or of some incorrectness therein. If such suggestion be made, such disposition shall be made thereof as justice may require. In case of disagreement between parties regarding the insertion of any matter in the transcript or its omission, the ques-

Service of notice and filing of praecipe.

Right of opponent to have matters in corporated in record, procedure.

What to be deemed sufficient transcript.

Disagreement between parties, how to be settled.

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tions arising shall be, after notice to the parties, settled, by the judge who tried the case or made the order, subject to summary review by the Supreme Court; and the Supreme Court shall also have power to act, in the first instance, regarding such questions, if it shall deem proper. At the request of any of the parties, any or all original papers and files in the case, other than the judgment roll, shall be forwarded to the Clerk of the Supreme Court by the Clerk of the District Court with a certificate of identity by the Judge of the District Court or the Clerk thereof. The Supreme Court may in any case order the judgment roll to be sent up.

Original papers and files, to be forwarded to supreme court, how and when.

Transcript of proceedings by stenographer, when deemed sufficient.

Section 2. In any case where the proceedings upon a trial or hearing have been reported by the official stenographer or by a stenographer pro tempore, or a stenographer agreed upon in writing or in open court by the parties, and his notes shall have been transcribed and filed with the Clerk and shall have been certified by the court or judge as correct, after notice to the parties, or agreed to by written stipulation of the attorneys, such transcript may, at the request of either party, be forwarded to the Clerk of the Supreme Court, with the transcript on appeal and with a certificate of identity by the Clerk of the District Court, and shall then be deemed to be before the Supreme Court for all purposes of the appeal, but in such case, the same need not be printed in whole or in part unless directed by the court. Such stenographer's transcript may be referred to by the Supreme court for the decision of any matter before the court, including questions of the sufficiency of the evidence, and regarding the settlement of instructions, as fully as if it had been part of a bill of exceptions or statement of the case, as well as to supplement the record or correct any insufficiency or defect therein. This provision, however, shall not be construed as relieving the appellant from having the same printed as a part of the transcript on appeal when requisite for the purpose of his appeal, nor relieve the respondent from the necessity of specifying in his praecepe what, if any parts or additional parts of such stenographer's transcript he desires incorporated in the transcript on appeal by the Clerk of the District Court. Such stenographer's transcript when certified or agreed to as aforesaid shall also serve any and all of the purposes of a bill of exceptions or statement of the case, and may be used in all cases where a bill of exceptions or statement is now required. In all cases where a part only of the stenographer's notes shall be sufficient for the purposes of review or of the appeal, such part may be transcribed and certified or agreed to,

Such transcript may be used by supreme court in deciding cause.

Such transcript to be printed.

Such transcript to serve purpose of bill of exceptions or statement of case.

Transcript of part of stenographer's notes sufficient, when.

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as above provided, and with like effect and authority with respect to the matters included therein. The notice of hearing on the certification of the stenographer's transcript may be given by any party to the others, and shall be served as other notices are required to be served, and the time thereof, shall be five days, or such other period as the district court or the judge thereof may order. Such stenographer's transcript may be filed in the office of the Clerk of the District Court and certified, at any time, but this provision shall not affect any rule of the Supreme Court limiting the time for the filing of transcripts in said court, nor limit the power of the district court or judge to compel the stenographer to file the same. It shall be the duty of the judge to settle the correctness thereof and when settled to certify the same. In case of refusal or inability of the judge to settle and certify the same, in accordance with the facts, such transcript may be settled by the Supreme Court on application in like manner as in cases of bills of exception. The Supreme Court or a judge thereof shall have discretionary power by writ, or summary proceedings, to compel the stenographer to perform his duties in connection with such transcript.

Notice of hearing on certification of stenographer's transcript.

Stenographer's transcript may be filed with clerk of supreme court.

Statement of such transcript.

When to be settled by supreme court.

Power of supreme court over stenographers of district court.

Section 3. The Supreme Court may, in any case, impose terms, costs and penalties upon the making of any order relating to the transcript on appeal or diminution thereof, or to the transcript of the stenographer's notes, or to the printing of such papers, regardless of the final determination of the appeal, and allow or disallow costs in connection with these matters when disposing of the same.

Supreme court may impose terms, cost and penalties relative to transcripts on appeal.

Section 4. In all cases, a certificate of the Clerk of the Court from which the appeal is taken, or a stipulation of the attorneys as to the correctness of the transcript, and that the papers therein incorporated were on file in the court below at the time of the decision, or, as the case may be, of any judgment or order brought up for review or appealed from, shall be prima facie sufficient to identify all the matters in the record and to attest their correctness, make them part of the record on appeal, and entitle them to be considered. If any dispute or question shall arise regarding the correctness of such stipulation or certificate, or of the record on any point, the Supreme Court shall have power to hear and determine such disputes or questions, take evidence concerning the same, and make any ruling or order that may be proper in the premises, and may do all of these things of its own motion.

Effect of certificate of clerk of district court as to correctness of transcript.

Supreme court may settle question of correctness.

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Insufficient or defective transcript, amendment.

Section 5. In all cases of insufficiency or other defectiveness in the transcript or papers on appeal, the appellant or other party in interest may be allowed to complete or correct the same. And, in case any certificate required to be made by the district court, or a judge thereof, or the clerk of the District Court, to be found defective, the same may be corrected by amendment or by the filing of a new certificate, with the same effect if such certificate had been made or filed in due form and time, in the first instance; leave being first obtained from the Supreme Court. In all such cases, the Supreme Court may impose such terms, costs or penalties upon the party responsible for the insufficiency or defect as to the court may seem proper.

Defective certificate may be corrected, how.

Supreme court may impose terms.

Supreme court may make rules and regulations.

Section 6. The Supreme Court may make rules and orders in furtherance of the purposes of this Act, and make further regulations concerning the matters mentioned in this Act.

Act shall not be deemed to do what.

Section 7. Nothing in this Act shall be deemed to prohibit the settlement of a bill of exceptions or a statement of the case, and, if desired, the same may be done, as in such cases provided, but without prejudice to the provisions of this Act; nor shall anything in this Act be deemed to repeal any provision of law relating to stenographers.

Invalidity of any section of Act not to affect remaining sections.

Section 8. If any section, sentence or clause of this Act shall, for any reason, be held invalid or inoperative, the remaining portions of the Act shall not therefore be deemed invalid or inoperative; it being the intention of the Legislature, hereby expressly declared, to enact each section, sentence and clause of this Act, irrespective of whether any one or more sections, sentences or clauses thereof, be found to be invalid or inoperative.

Original files to be returned to clerk of district court, when.

Section 9. All original papers transmitted to the Supreme Court or to the Clerk thereof shall be returned to the Clerk of the District Court, with the remittitur, or at such other time as may be ordered by the Supreme Court.

Repealing clause.

Section 10. All laws or parts of laws in conflict with this Act are hereby repealed.

Section 11. This Act shall take effect at the time of its passage.

Approved March 18th, 1915.

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HOUSE BILL NO. 1.

"An Act to appropriate money for the payment of Mileage and Per Diem of the Members of the Fourteenth Legislative Assembly of the State of Montana."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Ninety Thousand ($90,000.00) Dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, for the payment of the mileage and per diem of the members of the Fourteenth Legislative Assembly of the State of Montana.

Section 2. This Act shall be in force and effect from and after its passage and approval.

Approved Jany 11, 1915.

HOUSE BILL NO. 2.

"An Act to appropriate money for the payment of the Per Diem of the Officers and Attaches of the Fourteenth Legislative Assembly of the State of Montana."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Thirty Thousand ($30,000.00) Dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the payment of the per diem of the officers and attaches of the Fourteenth Legislative Assembly of the State of Montana.

Section 2. This Act shall be in force and effect from and after its passage and approval.

Approved Jany 11th, 1915.

HOUSE BILL NO. 3.

"An Act making an appropriation of money for the incidental expenses of the Fourteenth Legislative Assembly of the State of Montana."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Fifteen Thousand ($15,000.00) Dollars, or so much thereof as may be necessary be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the incidental expenses of the Fourteenth Legislative Assembly of the State of Montana.

Section 2. This Act shall be in force and effect from and after its passage and approval.

Approved Jany 19, 1915.

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HOUSE BILL NO. 5.

"An Act making an appropriation for the purpose of defraying the expenses of making an exhibition of the Arts, Industries, Resources, Manufactures, and products of the soil, ranges, mines and forests of the State of Montana, at the Panama-Pacific International Exposition to be held at San Francisco, California, in the year 1915, and at the Panama-California Exposition, to be held at San Diego, in the year 1915."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. For the purpose of defraying the expense of exhibiting and exploiting the Arts, Industries, Resources, Manufactures and Products of the soil, ranges, mines and forests of the State of Montana, at the Panama-Pacific International Exposition to be held at San Francisco, California, in the year 1915, and at the Panama-California Exposition, to be held at San Diego, in the year 1915, there is hereby appropriated out of any money in the treasury of the State, and not otherwise appropriated, Fifty Thousand Dollars ($50,000.00) or so much thereof as may be necessary, to be available immediately.

Section 2. The sum hereby appropriated is to be expended under the direction and in the discretion of the Exposition Commission heretofore appointed by the Governor of the State, January 20th, 1914, pursuant to House Concurrent Resolution No. 4, concurred in by the Senate March 6th, 1913.

Section 3. The State Treasurer is directed to pay the same from the general fund from time to time on the requisition of said Commission, signed by its Chairman and Secretary, and approved by the Governor of the State.

Provided, that for current expenses, the State Treasurer shall on the requisition of the Commission, signed by its Chairman and Secretary, deliver to the Treasurer of the Commission an amount not exceeding Five Thousand Dollars ($5,000.00) at any time on an estimate of expense to the payment of which all money so drawn is to be applied. That for all money by him paid out, the Treasurer shall take and file vouchers, showing the amount for which expended, or to be expended.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved January 19th, 1915.

HOUSE BILL NO. 6.

"An Act making an appropriation for the payment of warrants issued by the State Arid Land Grant Commission and for open accounts shown on the ledger of said Commission, and providing for the payment thereof."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of One Thousand Dollars ($1,000.00)

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or so much thereof as may be necessary, be and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to pay the warrant issued by the State Arid Land Grant Commission for expenses incurred by it against Districts One, Two and Four, and open accounts which are credited on the ledger of said Commission to Geo. Sheetz for salaries and supplies furnished, the aggregate of said warrants and accounts being, without computing interest, $385.00. The warrant and accounts for the payment of which this appropriation is made being the same warrants and accounts contemplated by subdivision 4, Section 2279 of the Revised Codes of the State of Montana.

Section 2. The State Auditor is hereby authorized to draw his warrant in favor of the Carey Land Act Board for the amount hereby appropriated or so much thereof as may be necessary to pay said warrant and the interest thereof, and said open accounts, which amount shall first be computed and determined by said Carey Land Act Board, and a statement of the total thereof given to the State Auditor, and the amount of said warrant shall be deposited with the State Treasurer in the manner provided by Section 2279 of the Revised Codes of Montana, and the Carey Land Act Board is authorized and directed to apply the same in payment of said claim in the manner directed by subdivision 4 of said Section 2279. Provided, however, that only that portion of the warrant mentioned in said subdivision 4 shall draw interest which heretofore have been presented to the State Treasurer and have been by him registered because of lack of funds, and the interest on such warrant shall be only at the rate of six per cent, per annum from and after the time of such presentation and registration. Provided, also, that said open account for salaries and supplies furnished shall not draw interest. And provided also, that the salaries herein mentioned shall be the salary accounts which now are credited upon the ledger of the State Arid Land Grant Commission, and which constitute a portion of the aggregate of $385.00 mentioned in said subdivision 4 of said Section 2279; but the salary items contained in said account shall be paid in the same manner as the items for supplies furnished contained in said account, notwithstanding that the salaries are not specifically mentioned in said subdivision 4.

Section 3. That whenever the surplus contemplated by subdivision 4 of said Section 2279 shall equal One Thousand Dollars, such surplus, instead of being applied in the manner heretofore required by said subdivision 4 shall be paid by the Carey Land Act Board to the State Treasurer to be considered as a re-payment to the general fund of the State of Montana of the sums hereby authorized to be paid to the Carey Land Act Board; and such surplus shall be continued to be so paid to the State Treasurer until the full amount, without interest paid to the Carey Land Act Board under this appropriation shall have been re-paid.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

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Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved March 17, 1915.

HOUSE BILL NO. 30.

"An Act providing for the payment of deficiency claims for account of Public Printing."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Thirteen Thousand ($13,000.00) Dollars, or so much thereof as may be necessary be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the purpose of paying the deficiency claims for public printing for the year ending March 1, 1915.

Section 2. Such deficiency claims shall be allowed and paid from the appropriation herein made upon presentation and approval of the State Board of Examiners.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 1, 1915.

HOUSE BILL NO. 32.

"An Act providing for the payment of deficiency claims for account of expense of judges."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Thirty-eight Hundred ($3,800.00) Dollars, or so much thereof as may be necessary be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the purpose of paying the deficiency claims for account of expense of Judges for the year ending March 1, 1915.

Section 2. Such deficiency claims shall be allowed and paid from the appropriation herein made upon presentation and approval of the State Board of Examiners.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 27th, 1915,

HOUSE BILL NO. 38.

"An Act appropriating money for the payment of a Claim against the State of Montana for loss arising from the Slaughtering of Diseased Animals, under the Provisions of Sections 1841 and 1842 of the Revised Codes of Montana of 1907."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Three Hundred Ninety ($390.00)

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Dollars be, and the same is hereby appropriated, out of any moneys in the State Treasury not otherwise appropriated, to pay M. Johnson for loss incurred by the slaughtering of twelve (12) cows and one (1) bull, under the provisions of Sections 1841 and 1842 of the Revised Codes of Montana.

Section 2. The State Auditor is hereby authorized and directed to draw his warrant in favor of the person named, and for the amount herein named, as shown in Section 1 of this Act; and the State Treasurer is directed to pay same.

Section 3. This Act shall be in force and effect from and after its passage and approval by the Governor.

(Note by the Secretary of State)

The foregoing Act having been presented to the Governor for his approval and not having been returned to the House in which it originated within the time prescribed by the Constitution, has become a law without his approval.

March 2, 1915. A. M. Alderson, Secretary of State.

HOUSE BILL NO. 48.

"An Act providing for the payment of deficiency claims for the care of Prisoners."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Eighty-five Thousand ($85,000.00) Dollars, or so much thereof as may be necessary be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the purpose of paying the deficiency claims for the care of Prisoners for the year ending March 1, 1915.

Section 2. Such deficiency claims shall be allowed and paid from the appropriation herein made upon presentation and approval of the State Board of Examiners.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved Feby 11th, 1915.

HOUSE BILL NO. 49.

"An Act providing for the payment of deficiency claims for the maintenance of the State Capitol Building."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Thirteen Thousand ($13,000.00) Dollars, or so much thereof as may be necessary be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the purpose of paying deficiency claims for the maintenance of the State Capitol Building for the year ending March 1, 1915.

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Section 2. Such deficiency claims shall be allowed and paid from the appropriation herein made upon presentation and approval of the State Board of Examiners.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved Feby 25th, 1915.

HOUSE BILL NO. 50.

"An Act to appropriate money to re-imburse James Buckingham for money taken from his person while an inmate of the Insane Asylum by the Officials thereof, and turned into the State Treasury."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Ninety-six dollars and ninety-five cents ($96.95) be and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated to re-imburse James Buckingham for money belonging to and taken from the person of the said James Buckingham by the officials of the State Insane Asylum and turned into the State Treasury.

Section 2. The State Auditor is hereby authorized to draw his warrant in favor of James Buckingham for ninety-six dollars and ninety-five cents ($96.95) and the State Treasurer to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved Feby. 11th, 1915.

HOUSE BILL NO. 53.

"An Act providing for the payment of deficiency claims for the care of the Insane."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Forty Thousand ($40,000.00) Dollars, or so much thereof as may be necessary be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the purpose of paying the deficiency claims for the care of the Insane during the year ending March 1, 1915.

Section 2. Such deficiency claims shall be allowed and paid from the appropriation herein made upon presentation and approval of the State Board of Examiners.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved Feby 11th 1915

HOUSE BILL NO. 55.

"An Act providing for the payment of deficiency claims for the transportation of prisoners."

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Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of sixty-five hundred ($6500.00) Dollars, or so much thereof as may be necessary be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the purpose of paying the deficiency claims for the transportation of prisoners for the year ending March 15, 1915.

Section 2. Such deficiency claims shall be allowed and paid from the appropriation herein made upon presentation and approval of the State Board of Examiners.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 27th, 1915.

HOUSE BILL NO. 59.

"An Act providing for the payment of deficiency claims for account of Requisitions."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Fifteen Hundred ($1500.00) Dollars or so much thereof as may be necessary be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the purpose of paying the deficiency claim for account of Requisitions for the year ending March 1, 1915.

Section 2. That such deficiency claim shall be allowed and paid from the appropriation herein made upon presentation and approval of the State Board of Examiners.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 17, 1915

HOUSE BILL NO. 60.

"An Act appropriating money for the payment of the claim of The Pauly Jail Building Company, for cell work at the State Penitentiary."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Fourteen Hundred and Thirty-one ($1431.00) Dollars be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the purpose of paying the claim of the Pauly Jail Building Company, for cell work at the State Penitentiary on account of contract entered into with the State Board of Examiners, which said claim was not paid for the reason that no appropriation was made therefor.

Section 2. The State Auditor is hereby authorized to draw his warrant in favor of the above named person for said amount, and the State Treasurer is hereby authorized to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved Feby 12th 1915

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HOUSE BILL NO. 61.

"An Act appropriating money for the payment of the claim of the Independent Publishing Company for printing furnished as provided for by Section 6 of the Corrupt Practices Act."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Seven Thousand five hundred and ninety and 71/100 ($7,590.71) Dollars, or so much thereof as may be necessary be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the purpose of paying the claim of the Independent Publishing Company for printing furnished as provided for by Section 6 of the Corrupt Practices Act, which said claim has been allowed by the State Board of Examiners, but not paid for the reason that there was no appropriation from which to defray the expense of printing, addressing and mailing the pamphlets provided for by said Section 6 of said Act.

Section 2. That the State Auditor is hereby authorized to draw his warrant in favor of the Independent Publishing Company for the sum of Seven Thousand five hundred and ninety and 71/100 ($7,590.71) Dollars, and the State Treasurer is hereby authorized to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 1, 1915.

HOUSE BILL NO. 62.

"An Act appropriating money for the payment of certain claims against the Board of Poultry Husbandry."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of One Hundred Ninety-nine and 26-100 ($199.26) Dollars be, and the same is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, for the payment of sundry claims against the Board of Poultry Husbandry, which claims were presented and allowed, but were not paid for the reason that the appropriation had lapsed to the State Treasury, to-wit:

J. L. Dorsh,.....$142.70
J. L. Dorsh,..... 56.56

Section 2. The State Auditor is hereby authorized to draw his warrant in favor of the above named persons for the amounts set opposite their names, and the State Treasurer is hereby authorized to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved Feby. 5th, 1915.

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HOUSE BILL NO. 63.

"An Act appropriating Fifteen and 40-100 ($15.40) Dollars in payment of the claim of the State Publishing Company against the Department of the Coal Mine Inspector."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Fifteen and 40-100 ($15.40) Dollars be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the purpose of paying the claim of the State Publishing Company against the Department of Coal Mine Inspector, covering items contracted for in December, 1912, but not presented in time to be paid from the appropriation for the year 1912.

Section 2. The State Auditor is hereby authorized to draw his warrant in favor of the State Publishing Company for the sum of Fifteen and 40-100 ($15.40) Dollars, and the State Treasurer is hereby authorized to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved Feby. 5th, 1915.

HOUSE BILL NO. 64.

"An Act appropriating money for the payment of the claim of the Berger Manufacturing Company in the sum of Eight Hundred and Eighty-five Dollars ($885.00) for vault equipment in the office of the Clerk of the Supreme Court."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Eight Hundred and Eighty-five ($885.00) Dollars be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the purpose of paying the claim of the Berger Manufacturing Company for vault equipment in the office of the Clerk of the Supreme Court, which said claim was allowed by the State Board of Examiners, but was not paid because of deficiency in the appropriation for the expenses of the Supreme Court.

Section 2. The State Auditor is hereby authorized to draw his warrant in favor of the Berger Manufacturing Company for the sum of Eight Hundred and Eighty-five ($885.00), and the State Treasurer is hereby authorized to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved Feby. 11th, 1915.

HOUSE BILL NO. 66.

"An Act appropriating Fifty-seven and 12-100 ($57.12) Dollars to the estate of Nathan Herrman for refund on account of overpayment of Inheritance Tax erroneously collected on July 19, 1913."

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Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Fifty-seven and 12-100 ($57.12) Dollars, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the purpose of paying to the Estate of Nathan Herrman for refund on account of over-payment of inheritance tax due from the said estate erroneously collected on the 19th day of July, 1913.

Section 2. That State Auditor is hereby authorized to draw his warrant in favor of the Estate of Nathan Herrman for the amount of Fifty-seven and 12-100 ($57.12) Dollars, and the State Treasurer is authorized to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved Feby. 12th, 1915.

HOUSE BILL NO. 75.

"An Act appropriating money for the payment of the claim against the State of Montana of Maurice S. Weiss and Zeb Melhorn, of Helena, Montana, for furniture and materials furnished the State in connection with the equipment and maintenance of the restaurant at the State Capitol Building in Helena, Montana."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the claim of Maurice S. Weiss and Zeb Melhorn amounting to the sum of One Thousand Twenty-seven and 28-100 ($1027.28) Dollars as heretofore presented to the State Board of Examiners, covering the amount advanced by the said claimants in payment for furniture, dishes, linen, silverware, glassware, and cooking utensils for use in connection with the operation of the State Capitol Restaurant located on the State Capitol grounds in the City of Helena, Montana.

Section 2. The State Auditor is hereby authorized and directed to draw a warrant in favor of the said Maurice S. Weiss and Zeb Melhorn for the said sum of One Thousand Twenty-seven and 28-100 ($1027.28) Dollars and the State Treasurer is hereby authorized and directed to pay the same.

Section 3. This Act shall be in full force and effect after its passage and approval.

Approved Feby. 5th, 1915.

HOUSE BILL NO. 98.

"An Act appropriating ($2400.00) Twenty-four Hundred Dollars, or as much thereof as may be necessary to pay the salary and expenses of the Custodian appointed under and by virtue of the provisions of Chapter 32 of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana."

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Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Twenty-four Hundred ($2400.00) Dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any moneys of the State Treasury not otherwise appropriated, and to pay the salary and expenses of the custodian appointed and served under and by virtue of the provisions of Chapter 32 of the Thirteenth Legislative Assembly of the State of Montana, from the first day of March 1913 to the first day of March 1915.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 25, 1915.

HOUSE BILL NO. 140.

"An Act appropriating money for the payment of the deficiency claim of Thomas Fox, stenographer to the Bureau of Child and Animal Protection and Adjutant General."

Be it enacted by the Legislative Assembly of the State of Montana.

Section 1. That the sum of One Hundred Eighty-two and 66-100 ($182.66) Dollars be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the payment of the deficiency claim of Thomas Fox, as stenographer to the Bureau of Child and Animal Protection and Adjutant General, for the years 1913 and 1914, which said deficiency was occasioned by reason of error in appropriation bill of the Thirteenth Legislative Assembly, by which the salary as fixed by law to said stenographer was not appropriated.

Section 2. The State Auditor is hereby authorized to draw his warrant in favor of the above named person for said sum, and the State Treasurer is hereby authorized to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved Feby. 11th, 1915.

HOUSE BILL NO 148.

"An Act appropriating money for the payment of the deficiency claim of M. N. Race, Marshal of the Supreme Court, on account of salary."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Six Hundred ($600.00) Dollars be. and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the payment of the deficiency of M. N. Race, Marshal of the Supreme Court, for salary

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for two years from March 1st, 1913 to February 28th, 1915, which said deficiency was occasioned by the failure of the Thirteenth Legislative Assembly to appropriate an amount equal to the salary of the Marshal of the Supreme Court as fixed by law.

Section 2. The State Auditor is hereby authorized to draw his warrant in favor of the above named person for said sum, and the State Treasurer is hereby authorized to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved Feby. 12th, 1915.

SENATE BILL NO. 184.

"An Act appropriating the sum of One Thousand ($1,000.00) Dollars, or so much thereof as may be necessary to pay the claim of Dan Sutherland for horses killed as a sanitary safeguard."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of One Thousand ($1,000.00) Dollars or so much thereof, as may be necessary, be and the same is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, to pay the claim of Dan Sutherland, for twenty (20) head of horses so exposed to disease as to require their slaughter and slaughtered in March, 1913, as a sanitary safeguard, by order of the State Veterinary Surgeon and the State Live Stock Sanitary Board under authority of Sub-division 2, Section 1889 of the Revised Codes of 1907.

Section 2. The State Auditor is hereby authorized to draw his warrant in favor of Dan Sutherland for the said sum named in Section 1 of this Act and the State Treasurer is hereby instructed to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 17th, 1915.

HOUSE BILL NO. 192.

"An Act appropriating money for the cost of the installation of three stokers in the heating plant of the State Capitol Building."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Four Thousand ($4000.00) Dollars, or so much thereof as may be necessary be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the purpose of paying the cost of installation of three stokers in the heating plant of the State Capitol Building, which said stokers were installed during the month of September, 1914, under a contract between the State Board of Examiners and the American Stoker Company.

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Section 2. The claims for the cost of such installation shall be allowed from the appropriation herein made upon presentation and approval by the State Board of Examiners, and the State Auditor is hereby authorized to draw his warrant in favor of the persons named in said claims so allowed for the amounts for which the claims are allowed, and the State Treasurer is authorized to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 27th, 1915.

HOUSE BILL NO. 193.

"An Act appropriating money for the payment of the claim of the Hennessy Company for sundry carpeting and furnishings in the Senate Chamber of the State Capitol Building."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Thirty-five Hundred ($3500.00) Dollars, or so much thereof as may be necessary be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated for the purpose of paying the claim of the Hennessy Company for sundry carpeting and furnishings for the Senate Chamber of the State Capitol Building, furnished in accordance with the contract entered into on the 25th day of November, 1914, by the State Board of Examiners with the said Hennessy Company.

Section 2. Such claim shall be allowed from the appropriation herein made upon presentation and approval of the State Board of Examiners, and the State Auditor is hereby authorized to draw his warrant in favor of the Hennessy Company for the amount allowed by the State Board of Examiners, and the State Treasurer is hereby authorized to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 17, 1915.

HOUSE BILL NO. 197.

"An Act appropriating money for the restoration and maintenance of Old Fort Benton."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of two thousand dollars ($2000.00) or so much thereof as may be necessary, be, and the same is hereby appropriated from any fund in the State Treasury not otherwise appropriated, for the purpose of aiding in the restoration and maintenance of Old Fort Benton, located in the town of Fort Benton, County of Choteau, State of Montana.

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Section 2. It is hereby the duty of the Board of Trustees of Old Fort Benton to audit all bills for expenses incurred in the restoration and maintenance of said Old Fort Benton, and when drawn against the fund hereby appropriated, to certify the same to the State Auditor, who shall present the same to the State Board of Examiners, and when presented to said Board and approved, the Auditor shall draw a warrant on the State Treasury in favor of the person or persons entitled to said sums, payable out of the fund created by this appropriation.

Section 3. This Act shall take effect and be in full force from and after its passage and approval.

Approved March 17, 1915.

HOUSE BILL NO. 199.

"An Act appropriating the sum of Five Hundred Dollars ($500.00) to A. W. Butts of Red Rock, Beaverhead County, Montana, in payment for five (5) horses erroneously slaughtered by the State Veterinary Surgeon's Department on or about August 7th, 1912."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The sum of Five Hundred Dollars ($500.00) is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, to pay A. W. Butts of Red Rock, Beaverhead County, Montana, for five (5) horses erroneously slaughtered by the State Veterinary Surgeon's Department on or about August 7, 1912.

Section 2. The State Auditor is hereby directed to draw his warrant for the amount hereby appropriated and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in force from and after its passage and approval.

(Note by the Secretary of State:)

The foregoing Act having been presented to the Governor for his approval and not having been returned by him to the House in which it originated within the time prescribed by the Constitution, has become a law without his approval.

A. M. ALDERSON, Secretary of State.

March 5, 1915.

HOUSE BILL NO. 216.

"An Act to appropriate money for the payment of salaries and other expenses of conducting the State Grain Inspection Department prior to March 1st, 1915."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Twenty-four Hundred Sixty-eight and 15-100 (2468.15) Dollars, or so much thereof as may be necessary be, and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated for the payment of salaries

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and other expenses of conducting the State Grain Inspection Department prior to March 1st, 1915.

Section 2. Said claim shall be audited and allowed by the State Board of Examiners, and the State Auditor is hereby authorized to draw his warrant for the amount so allowed, and the State Treasurer is hereby authorized to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 20th, 1915.

HOUSE BILL NO. 220.

"An Act appropriating money for the payment of amount due from the State under and by virtue of Chapter 129, Laws of the Twelfth Legislative Assembly of the State of Montana."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Sixteen Thousand ($16,000.00) Dollars, or so much thereof as may be necessary be, and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated to pay the City Treasurers of the several cities of the State, under and by virtue of the provisions of Chapter 129, Laws of the Twelfth Legislative Assembly of the State of Montana.

Section 2. Said claim shall be audited and allowed by the State Board of Examiners, and the State Auditor is hereby authorized to draw his warrant for the amount so allowed, and the State Treasurer is hereby authorized to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 1, 1915.

HOUSE BILL NO. 223.

"An Act appropriating the sum of Thirty-four Hundred ($3400.00) Dollars, or so much thereof as may be necessary, for the payment of the deficiency claims of cities for money due from the State under and by virtue of Chapter 129, Laws of the Twelfth Legislative Assembly of the State of Montana."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Thirty-four Hundred ($3400.00) Dollars) or so much thereof as may be necessary be, and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to pay the deficiency claims of cities for moneys due from the State for the years 1913 and 1914, under and by virtue of Chapter 129, Laws of the Twelfth Legislative Assembly of the State of Montana, which said sums were not heretofore paid because the appropriation made by the Thirteenth Legislative Assembly for said purpose has been exhausted.

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Section 2. Said claims shall be audited and allowed by the State Board of Examiners, and the State Auditor is hereby authorized to draw his warrants for the amounts so allowed, and the State Treasurer is hereby authorized to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 1, 1915.

HOUSE BILL NO. 256.

"An Act appropriating Seven Hundred Seventy-one and 89-100 ($771.89) Dollars out of the State Insane Asylum Bond Fund as a refund to Sheridan County of money erroneously collected during the year 1914 for the State Bond Fund and remitted to the State Treasurer and erroneously placed in the State Insane Asylum Bond Fund."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Seven Hundred Seventy-one and 89-100 ($771.89) Dollars, be, and the same is hereby appropriated out of any money in the State Insane Asylum Bond Fund as a refund to the County of Sheridan on account of money erroneously collected during the year 1914 for the State Bond Fund and remitted the State Treasurer and erroneously placed in the State Insane Asylum Bond Fund.

Section 2. The State auditor is hereby authorized to draw his warrant in favor of the County Treasurer of Sheridan County for the amount of Seven Hundred Seventy-one and 89-100 ($771.89) Dollars payable out of the State Insane Asylum Bond Fund, and the State Treasurer is authorized to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 17, 1915.

HOUSE BILL NO. 261.

"An Act appropriating money for the payment of the deficiency claim of Charles Z. Pond, account rendered the House of Representatives, Twelfth Legislative Assembly of the State of Montana."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of One Hundred and Eighty Dollars ($180.00) or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the said Charles Z. Pond for services rendered the House of Representatives of the Twelfth Legislative Assembly of the State of Montana, as Reading Clerk.

Section 2. The State Auditor is hereby authorized to draw his warrant in favor of the said Charles Z. Pond for the amount named

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in Section One (1) of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1915.

HOUSE BILL NO. 262.

"An Act to appropriate money for the maintenance, improvement and operation of the Fish Hatcheries of the State of Montana."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That there be, and hereby is, appropriated out of any moneys in the State Fish and Game Fund not otherwise appropriated, the sum of Ten Thousand ($10,000.00) Dollars for the maintenance and operation of the State Fish Hatchery at Anaconda, Montana, during the year 1915; and Ten Thousand ($10,000.00) Dollars out of the same fund for the maintenance and operation of said hatchery during the year 1916, or so much thereof as may be necessary each year for the successful operation of said hatchery during the time mentioned. Said sum to be available at any time up to and including the first day of March, 1917.

Section 2. That there be, and hereby is, appropriated out of any moneys in the State Treasury to the credit of the State Fish and Game Fund, not otherwise appropriated, the sum of Ten Thousand ($10,000.00) Dollars for the maintenance and operation of the State Fish Hatchery at Somers, in Flathead County, Montana, during the year 1915; and Ten Thousand ($10,000.00) Dollars out of the same fund for the maintenance and operation of said hatchery during the year 1916, or so much thereof each year as may be necessary for the successful operation of said hatchery during the time mentioned. Said sum to be available at any time up to and including the first day of March, 1917.

Section 3. That there be, and hereby is, appropriated out of any moneys in the State Game and Fish Fund, not otherwise appropriated, the sum of Two Thousand, Five Hundred ($2,500.00) Dollars, or so much thereof as may be necessary, which shall be available for, and be used in improvements contemplated, and to be made at the Anaconda Hatchery; and that there be, and hereby is, appropriated out of the same fund the sum of Two Thousand, Five Hundred ($2,500.00) Dollars, or so much thereof as may be necessary, which shall be available for, and to be used in improvements contemplated, and to be made at the Somers Hatchery. The said sum to be expended by, and under the order and direction of the Montana State Game and Fish Commission.

Section 4. The appropriations hereby made for the maintenance of said hatcheries, and for the improvements thereof, shall be available for the use, in such maintenance or improvements, at either of such hatcheries, and such funds may be transferred to or used in

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the maintenance of said hatcheries at the discretion of the State Game and Fish Commission.

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 6. This Act shall take effect and be in force from and after its passage and approval.

Approved March 10, 1915.

HOUSE BILL NO. 311.

"An Act to appropriate money for the payment of the per diem of the Officers and Attaches of the Fourteenth Legislative Assembly of the State of Montana."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Thirty Thousand ($30,000.00) Dollars, or so much thereof as may be necessary be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the payment of the per diem of the officers and attaches of the Fourteenth Legislative Assembly of the State of Montana.

Section 2. This Act shall be in force and effect from and after its passage and approval.

Approved Feby 18th, 1915.

HOUSE BILL NO. 312.

"An Act appropriating money for the maintenance of the Executive and Judicial Departments of the State Government for two years, commencing March 1st, 1915, and ending February 28th, 1917."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary be, and the same are hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the objects and purposes hereinafter expressed, for the period commencing March 1st, 1915, and ending February 29th, 1916.

EXECUTIVE DEPARTMENT.

Office of Governor.

For salary of Governor, Five Thousand Dollars.

Salary of Private Secretary, Twenty-four Hundred Dollars.

Salary of Stenographer, Fifteen Hundred Dollars.

Office and traveling expenses of Governor, Fifteen Hundred Dollars.

Montana's proportion expense of Governor''s Conference, Two Hundred and Fifty Dollars.

Office of Secretary of State.

Salary of Secretary of State, Three Thousand Dollars.

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Salary of Deputy Secretary of State, Twenty-one Hundred Dollars.
Salary of Chief Clerk and Stenographer, Eighteen Hundred Dollars.
Extra Clerical hire, Seven Hundred ($700.00) Dollars.
Office and traveling expenses, Fifteen Hundred Dollars.
Postage and expressage Session Laws, Three Hundred Dollars.
Expense Department of Weights and Measures, including salary of Deputy Sealer of Weights and Measures, Four Thousand Dollars.

Office of State Treasurer.

Salary of State Treasurer, Three Thousand Dollars.
Salary of Deputy State Treasurer, Twenty-one Hundred Dollars.
Salary of Clerk of State Treasurer, Eighteen Hundred Dollars.
Salary Stenographer, Twelve Hundred Dollars.
Office and traveling expenses, One Thousand Dollars.
For Official Bond of State Treasurer, Two Thousand Dollars.
For Adding Machine, Five Hundred ($500.00) Dollars.

Office of State Auditor.

Salary of State Auditor, Three Thousand Dollars.
Salary of Deputy State Auditor, Twenty-one Hundred Dollars.
Salary Deputy Commissioner of Insurance, Twenty-one Hundred Dollars.
Salary of Chief Clerk, Eighteen Hundred Dollars.
Salary of two Stenographers, each Twelve Hundred Dollars, Twenty-four Hundred Dollars.
Office and traveling expenses, Two Thousand Dollars.
For employment of Actuary Insurance Department, Nine Hundred Dollars.

Office of Attorney General.

Salary of Attorney General, Four Thousand Five Hundred Dollars.
Salary of First Assistant, Three Thousand Dollars.
Salary of Second Assistant, Three Thousand Dollars.
Salary of Third Assistant, Three Thousand Dollars.
Salary of Law Clerk, Twenty-one Hundred Dollars.
Salary of Stenographer, Twelve Hundred Dollars.
Office and traveling expenses, Two Thousand Dollars.

Office of Superintendent of Public Instruction.

Salary Superintendent Public Instruction, Three Thousand Dollars.
Salary Deputy Superintendent Public Instruction, Twenty-one Hundred Dollars.
Salary Rural School Inspector, Twenty-one Hundred Dollars.
Salary Clerk, Twelve Hundred Dollars.
Salary of Stenographer, Twelve Hundred Dollars.
Office and traveling expenses, Twenty-five Hundred ($2,500.00) Dollars.
Expenses State Text Book Commission, One Thousand Dollars.

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Office of Railroad Commissioners.

Salary of Commissioners, Twelve Thousand Dollars.

Salary of Secretary, Three Thousand Dollars.

Salary of Rate Clerk, Twenty-five Hundred Dollars.

Salary of two Inspectors, Eighteen Hundred Dollars, each, Thirty-six Hundred Dollars.

Salary of Stenographer, Twelve Hundred Dollars.

Salary of Inspector of Navigation, Twelve Hundred Dollars.

One-half Reporter's Salary, Twelve Hundred Dollars.

One-half expense printing and publishing two annual reports, Two Hundred Dollars.

Office and traveling expenses, including extra clerical hire, Fifty-seven Hundred ($5,700.00) Dollars.

Cost of printing map, Eighteen Hundred and Forty-six ($1,846.00) Dollars.

Office Public Service Commission.

Salary of Auditor, Twenty-four Hundred Dollars.

Salary of Engineer, Twenty-four Hundred Dollars.

One-half Reporter's salary, Twelve Hundred Dollars.

One-half expense of printing and publishing two annual reports, Two Hundred Dollars.

Office and traveling expenses, including extra clerical hire, Five Thousand Dollars.

Office of State Examiner.

Salary of State Examiner, Three Thousand Dollars.

Salary of First Assistant, Twenty-four Hundred Dollars.

Salary of Second Assistant, Twenty-one Hundred Dollars.

Salary four Deputy Examiners, Eighteen Hundred Dollars, each, Seventy-two Hundred Dollars.

Salary of Clerk, Twelve Hundred Dollars.

Office and traveling expenses, including extra clerical hire for examination of Cities, Towns and School Districts, Seven Thousand Dollars.

Office of State Veterinarian.

Salary of State Veterinarian, Three Thousand Dollars.

Salary of Deputy Veterinarian, Fifteen Hundred Dollars.

Salary of Clerk, Twelve Hundred Dollars.

Office and traveling expenses Veterinarian and Deputy Veterinarian, Fifty-five Hundred Dollars.

Bureau of Agriculture and Publicity.

Salary of Commissioner, Twenty-five Hundred Dollars.

Salary of Chief Clerk, Twenty-one Hundred Dollars.

Salary of Stenographer, Twelve Hundred Dollars.

For publicity purposes, including publishing and distributing literature, advertising, office, traveling and other expenses, Five Thousand Dollars.

Bureau of Labor and Industry.

Salary of Commissioner, Twenty-five Hundred Dollars.

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Salary of Chief Clerk, Twenty-one Hundred Dollars.
Salary of Stenographer, Twelve Hundred Dollars.
Office and traveling expenses, One Thousand Dollars.

Office of Boiler Inspector.

Salary of Inspector, Twenty-five Hundred Dollars.
Salary of Three Assistant Inspectors, Twenty-one Hundred Dollars each, Sixty-three Hundred Dollars.
Salary of Clerk, Fifteen Hundred Dollars.
Office and traveling expenses, Seven Thousand Dollars.

Office of Mine Inspector.

Salary of Inspector, Twenty-five Hundred Dollars.
Salary of Assistant Inspector, Twenty-four Hundred Dollars.
Office and traveling expenses, Twenty-one Hundred Dollars.

Office of Coal Mine Inspector.

Salary of Inspector, Twenty-five Hundred Dollars.
Office and traveling expenses, Two Thousand Dollars.

Office of Adjutant General.

Salary of Adjutant General, Twenty-four Hundred Dollars.
Salary of Stenographer (from Bureau of Child and Animal Protection), Three Hundred Dollars.
Office and traveling expenses, One Thousand Dollars.
Maintenance of National Guard, Fifteen Thousand Dollars.

State Board of Education.

Traveling expense of members, Fifteen Hundred Dollars.

Office of Consolidated Boards.

Salary of Clerk, Twenty-one Hundred Dollars.
Office expense, Three Hundred Dollars.
Extra clerical hire, Two Hundred Dollars.
Traveling expense members, Five Hundred Dollars.

State Law Library.

Salary Librarian, Twenty-five Hundred Dollars.
Purchase of Books, Three Thousand Dollars.
Maintenance and expense of Library, Nine Hundred Dollars.
Purchase of Book Cases, Eight Thousand Dollars.

State Historical Library.

Salary Librarian, Twenty-one Hundred Dollars.
Salary First Assistant, Twelve Hundred Dollars.
Salary Second Assistant, Twelve Hundred Dollars.
Expense, including purchase of books, etc., Twenty-five Hundred Dollars.

State Board of Horticulture.

Salary of Secretary, One Thousand Dollars.
Expense, Thirteen Thousand Five Hundred Dollars.

State Board of Examiners.

Salary of Clerk, Twenty-one Hundred Dollars.
Salary of State Accountant, Twenty-one Hundred Dollars.

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Traveling expenses of State Accountant, One Thousand Dollars.
Traveling expenses of members, One Thousand Dollars.
Contingent expenses, including extra clerical hire, Five Thousand Dollars.

State Board of Health.

Salary of Secretary, Three Thousand Dollars.
Salary of Clerk, Twelve Hundred Dollars.
Two Stenographers at Twelve Hundred Dollars each, Twenty-four Hundred Dollars.
Office and traveling expenses, Three Thousand Dollars.
Expense enforcing the Pure Food Law, including payment of Special Drug Inspector, with traveling expenses, Five Thousand Dollars.
Expense and salaries Pure Food Chemist, Four Thousand Dollars.

State Board of Charities and Reform.

Expense, Five Hundred Dollars.

State Board of Examiners for Coal Mine Inspectors.

Members of Examining Boards, except Coal Mine Inspector, appointed on petition of State Coal Mine Inspector by Judge of District Court in any county where coal is mined, for compensation and expense, Fifteen Hundred Dollars.

Bureau of Child Labor and Animal Protection.

Salary Secretary, Twenty-five Hundred Dollars.
Salary seven Deputies at Eighteen Hundred Dollars each, Twelve Thousand Six Hundred Dollars.
Salary Stenographer, Nine Hundred Dollars.
Office and traveling expenses, Seventy-two Hundred Dollars.

State Fair.

Salary of Secretary, Three Thousand Dollars.

Office of State Engineer.

Salary State Engineer, Three Thousand Dollars.
Field and office expenses, One Thousand Dollars.
Measurement of streams and hydrographic work, Sixty-five Hundred Dollars.

Office of State Dairy Commissioner.

Salary Commissioner, Twenty-four Hundred Dollars.
For salary of field deputies and traveling expenses, Seventy-two Hundred Dollars.
Salary of Clerk, Fifteen Hundred Dollars.

Office of State Tax Commissioner.

Salaries and expenses, One Thousand Dollars.

State Parole Commissioner.

Salary Commissioner, Two Thousand Dollars.
Traveling expenses, Fifteen Hundred Dollars.
Salary of Stenographer, Three Hundred Dollars.

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Board of Entomology.

Expense of Board, Five Thousand Dollars.

State Entomologist, expense, Twenty-seven Hundred Dollars.

Transportation of Prisoners.

Expense Sheriff in transporting prisoners to penitentiary, Nine Thousand Dollars.

For Requisitions, Twenty-five Hundred Dollars.

For reward, Two Thousand Dollars.

For Public Printing, Twenty-seven Thousand Five Hundred Dollars.

For the Capitol Building, Maintenance, Thirty Thousand Dollars.

For expense of installing device for improving acoustic properties of legislative hall, Two Thousand Dollars.

Acting Governor, salary, Seven Hundred and Fifty Dollars.

For firemen's disability fund, Eight Thousand Dollars.

Interest on bounty claims, Seventy-five Hundred Dollars.

For State Board of Poultry Husbandry, Five Hundred Dollars.

Custodian of War Documents and Relics.

Custodian, salary and expense, Twelve Hundred Dollars.

For Slaughtered Stock.

For payment of Stock killed because of dourine, glanders and tuberculosis, Thirty-two Thousand Five Hundred Dollars.

Livestock Sanitary Board.

For the Sanitary Board, including Tuberculin testing, Thirty Thousand Dollars.

For Stock Inspection and Detective Fund, Twenty-five Thousand Dollars.

For Sheep Inspection and Indemnity Fund, Ten Thousand Dollars.

State Grain Inspection Department.

Salary of Chief Inspector, Three Thousand Dollars.

Salary of Chief Clerk, Fifteen Hundred Dollars.

Salary of Inspector, Fifteen Hundred Dollars.

Office and traveling expenses, Twenty-five Hundred Dollars.

JUDICIAL DEPARTMENT.

Supreme Court.

Salary Three Justices, Eighteen Thousand Dollars.

Compensation for reporting decisions, Forty-five Hundred Dollars.

Salary Clerk Supreme Court, Twenty-five Hundred Dollars.

Salary Stenographer Supreme Court, Twenty-four Hundred Dollars.

Salary Marshal Supreme Court, Fifteen Hundred Dollars.

Salary Attendant Supreme Court, Twelve Hundred Dollars.

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Office and other expenses Clerk Supreme Court, Seven Hundred and Fifty Dollars.

Expenses of Court not otherwise provided for, One Thousand Dollars.

For printing Montana reports, Eighteen Hundred Dollars.

For salaries of District Judges, One Hundred Thousand Dollars.

For expenses of Judges sitting in places not their residence, within their district, and also when sitting in places of other Judges, Sixty-five Hundred Dollars.

For salaries of County Attorneys, Thirty-five Thousand Dollars.

Section 2. That the following sums, or so much thereof as may be necessary be, and the same are hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the objects and purposes hereinafter expressed for the period commencing March 1st, 1916, and ending February 28th, 1917.

EXECUTIVE DEPARTMENT.

Office of Governor.

For Salary of Governor, Five Thousand Dollars.

Salary of Private Secretary, Twenty-four Hundred Dollars.

Salary of Stenographer, Fifteen Hundred Dollars.

Office and traveling expenses of Governor, Fifteen Hundred Dollars.

Montana's proportion expense of Governor's Conference, Two Hundred and Fifty Dollars.

Office of Secretary of State.

Salary of Secretary of State, Three Thousand Dollars.

Salary of Deputy Secretary of State, Twenty-one Hundred Dollars.

Salary of Chief Clerk and Stenographer, Eighteen Hundred Dollars.

Extra Clerical Hire, Three Hundred Dollars.

Office and traveling expense, Fifteen Hundred Dollars.

Expense Department of Weights and Measures, including salary of Deputy Sealer of Weights and Measures, Four Thousand Dollars.

Office of State Treasurer.

Salary of State Treasurer, Three Thousand Dollars.

Salary of Deputy State Treasurer, Twenty-one Hundred Dollars.

Salary of Clerk of State Treasurer, Eighteen Hundred Dollars.

Salary Stenographer, Twelve Hundred Dollars.

Office and traveling expense, One Thousand Dollars.

For Official Bond of State Treasurer, Two Thousand Dollars.

Office of State Auditor.

Salary of State Auditor, Three Thousand Dollars.

Salary of Deputy State Auditor, Twenty-one Hundred Dolars.

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Salary Deputy Commissioner of Insurance, Twenty-one Hundred Dollars.

Salary of Chief Clerk, Eighteen Hundred Dollars.

Salary of two Stenographers, each Twelve Hundred Dollars, Twenty-four Hundred Dollars.

Office and traveling expenses, Two Thousand Dollars.

For employment of actuary Insurance Department, Nine Hundred Dollars.

Office of Attorney General.

Salary of Attorney General, Four Thousand Five Hundred Dollars.

Salary of First Assistant, Three Thousand Dollars.

Salary of Second Assistant, Three Thousand Dollars.

Salary of Third Assistant, Three Thousand Dollars.

Salary of Law Clerk, Twenty-one Hundred Dollars.

Salary of Stenographer, Twelve Hundred Dollars.

Office and traveling expenses, Two Thousand Dollars.

Office of Superintendent of Public Instruction.

Salary Superintendent Public Instruction, Three Thousand Dollars.

Salary Deputy Superintendent Public Instruction, Twenty-one Hundred Dollars.

Salary Rural School Inspector, Twenty-one Hundred Dollars.

Salary of Clerk, Twelve Hundred Dollars.

Salary of Stenographer, Twelve Hundred Dollars.

Office and traveling expenses, Twenty-five Hundred Dollars.

Office of Railroad Commissioners.

Salary of Commissioners, Twelve Thousand Dollars.

Salary of Secretary, Three Thousand Dollars.

Salary of Rate Clerk, Twenty-five Hundred Dollars.

Salary of Two Inspectors, Eighteen Hundred Dollars each, Thirty-six Hundred Dollars.

Salary of Stenographer, Twelve Hundred Dollars.

Salary of Inspector of Navigation, Twelve Hundred Dollars.

One-half Reporter's Salary, Twelve Hundred Dollars.

One-half expense printing and publishing two annual reports, Two Hundred Dollars.

Office and traveling expenses, including extra clerical hire, Fifty-seven Hundred Dollars.

Office Public Service Commission.

Salary of Auditor, Twenty-four Hundred Dollars.

Salary of Engineer, Twenty-four Hundred Dollars.

One-half Reporter's salary, Twelve Hundred Dollars.

One-half expense of printing and publishing two Annual Reports, Two Hundred Dollars.

Office and traveling expenses, including extra clerical hire, Five Thousand Dollars.

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Office of State Examiner.

Salary of State Examiner, Three Thousand Dollars.
Salary of First Assistant, Twenty-four Hundred Dollars.
Salary of Second Assistant, Twenty-one Hundred Dollars.
Salary four Deputy Examiners, Eighteen Hundred Dollars each, Seventy-two Hundred Dollars.
Salary of Clerk, Twelve Hundred Dollars.
Office and traveling expenses, including extra clerical hire for examination of Cities, Towns and School Districts, Seven Thousand Dollars.

Office of State Veterinarian.

Salary of State Veterinarian, Three Thousand Dollars.
Salary of Deputy Veterinarian, Fifteen Hundred Dollars.
Salary of Clerk, Twelve Hundred Dollars.
Office and traveling expenses Verterinarian and Deputy Veterinarian, Fifty-five Hundred Dollars.

Bureau of Agriculture and Publicity.

Salary of Commissioner, Twenty-five Hundred Dollars.
Salary of Chief Clerk, Twenty-one Hundred Dollars.
Salary of Stenographer, Twelve Hundred Dollars.
For Publicity purposes, including publishing and distributing literature, advertising, office, traveling and other expenses, Five Thousand Dollars.

Bureau of Labor and Industry.

Salary of Commissioner, Twenty-five Hundred Dollars.
Salary of Chief Clerk, Twenty-one Hundred Dollars.
Salary of Stenographer, Twelve Hundred Dollars.
Office and traveling expenses, One Thousand Dollars.

Office of Boiler Inspector.

Salary of Inspector, Twenty-five Hundred Dollars.
Salary of three Assistant Inspectors, Twenty-one Hundred Dollars each, Sixty-three Hundred Dollars.
Salary of Clerk, Fifteen Hundred Dollars.
Office and traveling expenses, Seven Thousand Dollars.

Office of Mine Inspector.

Salary of Inspector, Twenty-five Hundred Dollars.
Salary of Assistant Inspector, Twenty-four Hundred Dollars.
Office and traveling expenses, Twenty-one Hundred Dollars.

Office of Coal Mine Inspector.

Salary of Inspector, Twenty-five Hundred Dollars.
Office and traveling expenses, Two Thousand Dollars.

Office of Adjutant General.

Salary of Adjutant General, Twenty-four Hundred Dollars.
Salary of Stenographer (from Bureau of Child and Animal Protection) Three Hundred Dollars.
Office and traveling expenses, One Thousand Dollars.
Maintenance of National Guard, Fifteen Thousand Dollars.

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State Board of Education.

Traveling expense of members, Fifteen Hundred Dollars.

Office of Consolidated Boards.

Salary of Clerk, Twenty-one Hundred Dollars.
Office expense, Three Hundred Dollars.
Extra clerical hire, Two Hundred Dollars.
Traveling expense members, Five Hundred Dollars.

State Law Library.

Salary, Librarian, Twenty-five Hundred Dollars.
Purchase of books, Three Thousand Dollars.
Maintenance and expense of library, Nine Hundred Dollars.

State Historical Library.

Salary, Librarian, Twenty-one Hundred Dollars.
Salary First Assistant, Twelve Hundred Dollars.
Salary Second Assistant, Twelve Hundred Dollars.
Expense, including purchase of books, etc., Twenty-five Hundred Dollars.

State Board of Horticulture.

Salary of Secretary, One Thousand Dollars.
Expense, Thirteen Thousand Five Hundred Dollars.

State Board of Examiners.

Salary of Clerk, Twenty-one Hundred Dollars.
Salary State Accountant, Twenty-one Hundred Dollars.
Traveling expenses of the State Accountant, One Thousand Dollars.
Traveling expenses of members, One Thousand Dollars.
Contingent expenses, including extra clerical hire, Five Thousand Dollars.

State Board of Health.

Salary of Secretary, Three Thousand Dollars.
Salary of Clerk, Twelve Hundred Dollars.
Two Stenographers at Twelve Hundred Dollars each, Twenty-four Hundred Dollars.
Office and traveling expenses, Three Thousand Dollars.
Expense enforcing the Pure Food Law, including payment of Special Drug Inspector, with traveling expenses, Five Thousand Dollars.
Expense and salaries Pure Food Chemist, Four Thousand Dollars.

State Board of Charities and Reform.

Expense, Five Hundred Dollars.

State Board of Examiners for Coal Mine Inspectors.

Members of Examining Boards, except Coal Mine Inspector, appointed on petition of State Coal Mine Inspector by Judge of District Court in any county where coal is mined, for compensation and expenses, Fifteen Hundred Dollars.

Bureau of Child and Animal Protection.

Salary Secretary, Twenty-five Hundred Dollars.

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Salary seven Deputies at Eighteen Hundred Dollars each, Twelve Thousand Six Hundred Dollars.

Salary Stenographer, Nine Hundred Dollars.

Office and traveling expenses, Seventy-two Hundred Dollars.

State Fair.

Salary of Secretary, Three Thousand Dollars.

Office of State Engineer.

Salary of State Engineer, Three Thousand Dollars.

Field and Office Expenses, One Thousand Dollars.

Measurement of streams and hydrographic work, Sixty-five hundred Dollars.

Office of State Dairy Commission.

Salary Commissioner, Twenty-four Hundred Dollars.

For salary of Field Deputies and traveling expenses, Seventy-two Hundred Dollars.

For annual salary of Clerk, Fifteen Hundred Dollars.

State Parole Commissioner.

Salary Commissioner, Two Thousand Dollars.

Traveling expenses, Fifteen Hundred Dollars.

Salary of Stenographer, Three Hundred Dollars.

Board of Entomology.

Expense of Board, Five Thousand Dollars.

State Entomologist, expense, Twenty-seven Hundred Dollars.

Transportation of Prisoners.

Expense Sheriff in transporting prisoners to penitentiary, Nine Thousand Dollars.

For Requisitions, Twenty-five Hundred Dollars.

For Rewards, Two Thousand Dollars.

For Public Printing, Twenty-seven Thousand Five Hundred Dollars.

For the Capitol Building, Maintenance, Thirty Thousand Dollars.

Acting Governor, salary, Seven Hundred and Fifty Dollars.

For Firemen's Disability Fund, Eight Thousand Dollars.

Interest on Bounty Claims, Seventy-five Hundred Dollars.

State Board of Poultry Husbandry, Five Hundred Dollars.

Live Stock Sanitary Board. For the Sanitary Board including tuberculin testing, Thirty Thousand Dollars.

For Sheep Inspection and Indemnity Fund, Ten Thousand Dollars.

For Stock Inspection and Detective Fund, Twenty-five Thousand Dollars.

Custodian of War Documents and Relics. Custodian, salary and expenses, Twelve Hundred Dollars.

State Grain Inspection Department.

Salary of Chief Inspector, Three Thousand Dollars.

Salary of Chief Clerk, Fifteen Hundred Dollars.

Salary of Inspector, Fifteen Hundred Dollars.

Office and traveling expenses, Twenty-five Hundred Dollars.

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JUDICIAL DEPARTMENT.

Supreme Court.

Salary Three Justices, Eighteen Thousand Dollars.

Compensation for reporting decisions, Forty-five Hundred Dollars.

Salary Clerk Supreme Court, Twenty-five Hundred Dollars.

Salary Stenographer Supreme Court, Twenty-four Hundred Dollars.

Salary Marshal Supreme Court, Fifteen Hundred Dollars.

Salary attendant Supreme Court, Twelve Hundred Dollars.

Office and other expenses Clerk Supreme Court, Seven Hundred and Fifty Dollars.

Expenses of Court not otherwise provided for, One Thousand Dollars.

For Printing Montana Reports, Eighteen Hundred Dollars.

For salaries of District Judges, One Hundred Thousand Dollars.

For expenses of Judges sitting in places not their residence within their district, and also when sitting in places of other Judges, Sixty-five Hundred Dollars.

For salaries of County Attorneys, Thirty-five Thousand Dollars.

Section 3. The several officers, state boards and bureaus of the State of Montana are hereby prohibited from incurring any indebtedness or expense in an amount which will be in excess of the amount herein appropriated for each of said several departments.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 17, 1915.

HOUSE BILL NO. 399.

"An Act to appropriate money for the equipment and maintenance of the Northern Montana Agricultural and Manual Training School, and Agricultural Experiment Sub-station in connection therewith for the two years commencing March 1st, 1915, and ending February 28th, 1917."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is hereby appropriated the sum of Five Thousand Dollars ($5,000.00), or so much thereof as may be necessary out of any moneys in the State Treasury not otherwise appropriated, which money may be expended during the fiscal year, commencing March 1st, 1915, and ending February 29th, 1916, for the equipment and maintenance of the Northern Montana Agricultural and Manual Training School and Agricultural Experiment Sub-station in connection therewith, located at Fort Assinniboine.

Section 2. There is hereby appropriated the sum of Five Thousand Dollars ($5,000.00), or so much thereof as may be necessary out of any moneys in the State Treasury not otherwise appropriated, which money may be expended during the fiscal year, commencing

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March 1st, 1916, and ending February 28th, 1917, for the equipment and maintenance of the Northern Montana Agricultural and Manual Training School and Agricultural Experiment Sub-station in connection therewith, located at Fort Assiniboine.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 17, 1915.

HOUSE BILL NO. 405.

"An Act appropriating money for the payment of certain deficiency claims for expenses incurred by Sheriffs in transporting prisoners and sending requisitions."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Eight Hundred Ten and 41-100 ($810.41) Dollars, or so much thereof as may be necessary be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the purpose of paying the following deficiency claims, said claims being for expenses incurred by sheriffs in transporting prisoners and in sending requisitions, which claims have been allowed by the State Board of Examiners, to-wit:

Transporting Prisoners.

Louis H. Kommers	$117.90
Louis H. Kommers	64.60
William Moses	43.50
William Moses	115.10
W. A. Baynham	148.85
W. S. Evans	14.55
J. C. Orrick	38.05
J. C. Orrick	29.70
O. A. Falling	20.85
W. H. Gebo	33.90
John Killern	24.40
Hugh R. Wells	43.00

Requisitions.

Louis H. Kommers	116.01
	$810.41

Section 2. The State Auditor is hereby authorized to draw his warrant in favor of the above named persons for the amounts set opposite their names, and the State Treasurer to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 17, 1915.

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HOUSE BILL NO. 406.

"An Act to appropriate money for the payment of deficiency claims on account of the salaries of County Attorneys."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Fourteen Hundred ($1,400.00) Dollars, or so much thereof as may be necessary be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the payment of the deficiency claims on account of the salaries of County Attorneys, which said deficiency claims arose out of the fact that the appropriation therefor has been exhausted, which said claims were presented and allowed by the State Board of Examiners.

Section 2. The State Auditor is hereby authorized to draw his warrant in favor of the persons and for the amounts allowed and approved by the State Board of Examiners, and the State Treasurer is authorized to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 17, 1915.

HOUSE BILL NO. 407.

"An Act appropriating money for the payment of deficiency claims on account of mileage and per diem of members of the Thirteenth Legislative Assembly."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Six Hundred One and 40-100 ($601.40) Dollars, or so much thereof as may be necessary be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the purpose of paying deficiency claims on account of the mileage and per diem of the members of the Thirteenth Legislative Assembly, which deficiency claims were occasioned by the appropriation for said purpose being exhausted, said claims to be allowed and paid on presentation to and approval by the State Board of Examiners.

Section 2. The State Auditor is hereby authorized to draw his warrant in favor of the person or persons entitled to said sum, and the State Treasurer is authorized to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 17, 1915.

HOUSE BILL NO. 408.

"An Act appropriating money for the deficiency claims of certain persons for services rendered and supplies furnished, which claims were approved by the State Board of Examiners."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Seventy-nine and 29-100 ($79.29)

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Dollars, or so much thereof as may be necessary be, and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated for the purpose of paying the deficiency claims of the following named persons, to-wit:

Arthur P. Curtin, one Carpet Sweeper	$26.50
Charles Oppel, Laying Carpet	25.75
Western Union Telegraph Co., telegrams	27.04
	$79.29

Such deficiency claims arising from the fact that they were presented after the appropriations for the Departments for which said articles were furnished or services rendered had lapsed.

Section 2. The State Auditor is hereby authorized to draw his warrant in favor of the above named persons for the respective sums, and the State Treasurer is hereby authorized to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 17, 1915.

HOUSE BILL NO. 409.

"An Act appropriating the sum of Ninety-five and 20-100 ($95.20) Dollars to pay the claim of John E. Patterson."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Ninety-five and 20-100 ($95.20) Dollars be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated to pay the deficiency claim of John E. Patterson for eight days' salary as District Judge for services rendered during the month of February, 1913

Section 2. The State Auditor is hereby authorized to draw his warrant in favor of the above named John E. Patterson for the said sum, and the State Treasurer is authorized to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 17, 1915.

HOUSE BILL NO. 410.

"An Act appropriating moneys to the Counties of Madison and Yellowstone as a refund for moneys erroneously collected and paid into the State Treasury."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Eighty-seven and 40-100 ($87.40) Dollars, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated for the payment of the claim of Madison County on account of moneys paid into the State Treasury which was erroneously collected from Henry Derumaux for a retail liquor license, which said license was can-

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celled because illegally issued to the said Henri Derumaux, he not being at the time a citizen of the United States.

Section 2. That the sum of Ten and 30-100 ($10.30) Dollars be, and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated to pay the claim of the County of Yellowstone, as a refund for moneys erroneously paid into the State Treasury for said County, being taxes collected in error by the said County of Yellowstone from A. N. Kellips.

Section 3. That the State Auditor be, and he is hereby authorized to draw his warrants in favor of the county treasurer of the above named counties for the respective amounts, and the State Treasurer is authorized to pay the same.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 17, 1915.

HOUSE BILL NO. 411.

"An Act appropriating money to pay the claim of Frank L. Riley, and to pay the claims of Louis P. Donovan and Carl J. Christian."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Four Hundred and Fifty ($450.00) Dollars, be and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated for the payment of the claim of Frank L. Riley for services rendered as stenographer in taking and furnishing copies of the transcript of testimony in Cause No. 1322 in the District Court of Silver Bow County, Montana, entitled, "In the matter of the Estate of Charles Colbert, deceased," and the sum of Five Hundred ($500.00) Dollars, to pay for the services of Louis P. Donovan, as Attorney in said case and the sum of Five Hundred ($500.00) Dollars, to pay for the services of Carl J. Christian in said case, which said services were rendered at the request of the Attorney General.

Section 2. That State Auditor is hereby authorized to draw his warrants in favor of the said Frank L. Riley and Louis P. Donovan and Carl J. Christian for the amounts specified in Section 1, and the State Treasurer is authorized to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 17, 1915.

HOUSE BILL NO. 412.

"An Act appropriating money for the payment of certain deficiency claims for expenses incurred by District Judges, also expenses of sheriffs incurred in transporting prisoners, also expenses incurred in sending requisitions."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of One Thousand Three Hundred and Two and Eighty-six Hundredths ($1,302.86) Dollars, or so much

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thereof as may be necessary be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the purpose of paying the following deficiency claims, said claims being for expenses incurred by District Judges, also expenses incurred by Sheriffs transporting prisoners, also expenses incurred in sending requisitions, which claims have been allowed by the State Board of Examiners, to-wit:

Expenses of Judges.

Judge J. M. Clements	$ 63.10
Judge J. Miller Smith	72.35
Judge C. C. Hurley	37.65

Transporting Prisoners.

E. Adams, Sheriff Madison County	25.60
John Killorn, Sheriff Park County	25.15
George L. Williams, Sheriff Meagher County	25.00
K. McKenzie, Sheriff Teton County	52.90
Rolla Duncan, Sheriff Lewis & Clark County	12.70
A. J. Ingraham, Sheriff Flathead County	51.90
A. J. Ingraham, Sheriff Flathead County	61.05
Chas. R. Doggett, Sheriff Broadwater County	61.05
Louis H. Kommers, Sheriff Cascade County	63.50
W. H. Gebo, Sheriff Carbon County	33.95
J. C. Orrick, Sheriff Yellowstone County	100.95
F. Tullock, Sheriff Fergus County	36.20
W. T. Scully, Dep. Sheriff Beaverhead County	17.70
P. J. Manning, Sheriff Jefferson County	13.80

Requisitions.

George F. Burke, Valley County	97.70
John Killorn, Park County	192.76
P. J. Manning, Jefferson County	64.65
W. L. Kelley, Missoula County	239.20
Total	$1,302.86

Section 2. The State Auditor is hereby authorized to draw his warrant in favor of the above named persons for the amounts set opposite their names, and the State Treasurer to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 17, 1915.

HOUSE BILL NO. 413.

"An Act appropriating money for the payment of claims arising from the slaughter of animals during the year 1914, on account of foot and mouth disease."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Thirty-three Thousand Twenty-one Dollars and Six Cents ($33.021.06), or so much thereof as may be

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necessary, be and the same is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, for the purpose of paying for animals slaughtered as a sanitary safeguard under authority of law during the year 1914, on account of the foot and mouth disease.

Section 2. Such claims shall be paid from the appropriation herein made, after said claims shall have been allowed by the State Livestock Sanitary Board, and approved by the State Board of Examiners.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 17, 1915.

HOUSE BILL NO. 415.

"An Act appropriating money from the Bounty Fund for the payment of certain bounty claims which were disallowed by the State Board of Examiners owing to technical errors in the proof."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Three Hundred and Sixty-three ($363.00) Dollars or so much thereof as may be necessary be, and the same is hereby appropriated out of any money in the Bounty Fund not otherwise appropriated for the payment of the claims of the following named persons for bounties, which claims were disallowed by the State Board of Examiners owing to technical errors in the proofs.

J. M. Jacobson, Maudlaw	$ 6.00
W. C. Abner, Eureka	6.00
Gust Brand, Gold Creek	12.00
E. M. Booth, Jeffers	3.00
Henry R. Caropenter, Creston	6.00
D. F. Cole, Big Dry	30.00
R. H. Carr, Cow Creek	9.00
Linwood Dunham, Clancy	6.00
Chas. H. Durant, Millegan	6.00
Joseph Dailey, Raynsford	12.00
Chas. Gnose, Anaconda	6.00
Barney Hamilton, Millegan	15.00
Ora Knowlton, Blackleaf	6.00
M. E. Keller, Cameron	15.00
Sam Lonning, Paxton	6.00
E. L. Marks, Clancy	12.00
Martin Paulson, Plentywood	24.00
F. L. Summers, Billings	33.00
Orrin J. Terry, Basin	15.00
R. E. Webster, Kalispell	3.00
Ed. Whilhelm, Billings	33.00

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A. J. Watkins, Jeffers	81.00
Lars Widegren, Gold Creek	12.00
P. J. Zeh, Camas	6.00
	$363.00

Section 2. The State Auditor is hereby authorized to draw warrants in favor of the above named persons for the amounts set opposite their respective names, and the State Treasurer is authorized to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1915.

HOUSE BILL NO. 416.

"An Act appropriating money from the Bounty Fund for the payment of certain bounty claims, proof of which was lost."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Two Hundred and Eighty-five ($285.00) Dollars, or so much thereof as may be necessary be, and the same is hereby appropriated out of any money in the Bounty Fund not otherwise appropriated for the payment of the claims of the following named persons for bounties, proof of which was lost in transmission from the Bounty Inspector to the County Clerk:

Frank Gagnon	$ 30.00
John Longstaff	108.00
George L. Morris	24.00
James Spencer	111.00
Empire Bank and Trust Co., Lewistown, for estate of R. B. Thompson	12.00
	$285.00

Section 2. The State Auditor is hereby authorized to draw his warrant in favor of the above named persons for the amounts set opposite their respective names, and the State Treasurer is authorized to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1915.

HOUSE BILL NO. 433.

"An Act to pay employees of the Senate and House, as provided in Sections 76 and 81 of the Revised Codes of Montana of 1907."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of One Hundred ($100.00) Dollars be and the same is hereby appropriated to pay, in accordance with

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Sections 76 and 81 of the Revised Codes of Montana of 1907, as follows to-wit:

Nathan Godfrey, Secretary of the Senate....$50.00
W. J. Walsh, Chief Clerk of the House.... 50.00

Section 2. The State Auditor is hereby authorized and directed to draw his warrant in favor of said Nathan Godfrey and W. J. Walsh, for the sum of Fifty ($50.00) Dollars respectively and the State Treasurer is directed to pay the same.

Section 3. This Act shall be effective from and after its passage and approval by the Governor.

Approved March 17, 1915.

HOUSE BILL NO. 434.

"An Act appropriating money for the maintenance and betterment of the several State institutions of Montana for two years, commencing March 1st, 1915, and ending February 28th, 1917."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary be, and the same are hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the objects and purposes hereinafter expressed, for a period commencing March 1st, 1915, and ending February 29th, 1916:

State Institutions.

Maintenance State Insane Asylum, and care of Insane, Two Hundred and Forty-three Thousand Dollars.

Maintenance Hospital for Inebriates, Ten Thousand Dollars.

Maintenance State Prison, and care of prisoners, One Hundred and Seventy-five Thousand Dollars.

Maintenance and betterments Tuberculosis Sanitarium, including purchase of Dairy Herd, Thirty-five Thousand Two Hundred Dollars.

Maintenance and betterments State Reform School, Forty-eight Thousand Five Hundred Dollars.

Maintenance and betterments State University, Two Hundred Twelve Thousand Five Hundred Dollars.

Maintenance and betterments Agricultural College, Ninety-five Thousand Dollars.

Maintenance State School of Mines, Thirty-five Thousand Dollars.

Maintenance and betterments State Normal School, Seventy-five Thousand Five Hundred Dollars.

Maintenance and betterments State Orphans Home, Ninety Thousand Dollars.

Maintenance and betterments State School for Deaf, Blind and Feeble-minded, One Hundred and Two Thousand Five Hundred Dollars.

Maintenance and betterments Soldiers' Home, Thirty-six Thousand Five Hundred Dollars.

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Miscellaneous.

Montana Agricultural Experiment Stations, Seventy-two Thousand Dollars, to be distributed as follows:

Maintenance and equipment Home Station, Bozeman, Fifty-nine Thousand Dollars.

Maintenance and equipment Horticulture Sub-station, Twenty-five Hundred Dollars.

Maintenance and equipment Fergus County Dry Farm Sub-station, Fifty-five Hundred Dollars.

Maintenance and equipment Huntley Sub-station, One Thousand Dollars.

Maintenance and equipment Grain Laboratory, Four Thousand Dollars.

Farmers' Institutes, Ten Thousand Dollars.

For Farmers' Extension work in co-operation with the Federal Government under the Smith-Lever Act, and other Acts of Congress relating to such work, Thirteen Thousand One Hundred and Eighty-two Dollars.

For maintenance State Fair in addition to the money in the State Fair Fund, Fifteen Thousand Dollars.

For betterments and improvements State Fair, Seven Thousand Five Hundred Dollars.

For maintenance Governor's Mansion, Five Thousand Dollars.

Section 2. That the following sums, or so much thereof as may be necessary be, and the same are hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the objects and purposes hereinafter expressed for the period commencing March 1st, 1916, and ending February 28th, 1917.

State Institutions.

Maintenance State Insane Asylum, and care of Insane, Two Hundred and Forty-three Thousand Dollars.

Maintenance Hospital for Inebriates, Ten Thousand Dollars.

Maintenance State Prison, and care of prisoners, One Hundred and Seventy-five Thousand Dollars.

Maintenance and betterments Tuberculosis Sanitarium, Thirty-five Thousand Dollars.

Maintenance and betterments State Reform School, Forty-eight Thousand Five Hundred Dollars.

Maintenance and betterments State University, Two Hundred Twelve Thousand Five Hundred Dollars.

Maintenance and betterments Agricultural College, Ninety-five Thousand Dollars.

Maintenance State School of Mines, Thirty-five Thousand Dollars.

Maintenance and betterments State Normal School, Seventy-five Thousand Five Hundred Dollars.

Maintenance and betterments State Orphans' Home, Eighty-two Thousand One Hundred and Fifty Dollars.

Maintenance and betterments State School for Deaf, Blind, and

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Feeble-minded, One Hundred and Two Thousand Five Hundred Dollars.

Maintenance and betterments Soldiers' Home, Thirty-three Thousand Dollars.

Miscellaneous.

Montana Agricultural Experiment Stations, Seventy-five Thousand Dollars, to be distributed as follows:

Maintenance and equipment Home Station, Bozeman, Sixty-one Thousand Five Hundred Dollars.

Maintenance and Equipment Horticultural Sub-station, Twenty-five Hundred Dollars.

Maintenance and equipment Fergus County Dry Farm Sub-station, Fifty-five Hundred Dollars.

Maintenance and Equipment Huntley Sub-station, One Thousand Dollars.

Maintenance and Equipment Grain Laboratory, Forty-five Hundred Dollars.

Farmers' Institutes, Ten Thousand Dollars.

For Farmers' Extension Work in co-operation with the Federal Government under the Smith-Lever Act, and other Acts of Congress relating to such work, Sixteen Thousand One Hundred Eighty-two Dollars.

For maintenance State Fair in addition to the money in the State Fair Fund, Fifteen Thousand Dollars.

For betterments and improvements State Fair, Seven Thousand Five Hundred Dollars.

For maintenance Governor's Mansion, Thirty-five Hundred Dollars.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 17th, 1915.

SENATE JOINT MEMORIAL NO. 2.

To the Honorable Senate and House of Representatives of the United States in Congress Assembled:

WHEREAS, The Crow Indian Reservation situated in the south-eastern portion of the State of Montana, comprising an area of approximately 2,875,000 acres, the major portion of which is of great agricultural value and capable of producing cereals and other farm products in great abundance, is now reserved for the use of the Crow Indian Tribe; and

WHEREAS, The total membership of said Indian Tribe is less than 1600 persons, including men, women, and children; and

WHEREAS, There has been allotted in severalty to each member of said tribe valuable lands, sufficient under a proper administration of their affairs to sustain said Indians in comfort and assure them the means of an independent livelihood; and

WHEREAS, But a very small portion of said Indian Reservation

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is ever used by any of said Indian Tribe for any purpose whatsoever, the same being leased to large cattle owners and flock masters at a rental insignificant by comparison with the agricultural possibilities thereof; and

WHEREAS, Practically all of the available homestead lands of Eastern Montana have been claimed and occupied under the homestead laws of the United States; and

WHEREAS, It is physically impossible for this number of Indians to occupy and use this vast area of valuable farm land, even though said Indians were possessed of the average ability of our white citizens in the management of agricultural pursuits; and

WHEREAS, It would result in the great betterment of the industrial, financial, and moral condition of the Indians themselves if they were compelled to occupy, use, and manage under proper supervision, the lands already allotted to them, large areas of which have been irrigated by the Government at great expense and are now almost wholly unused; therefore

BE IT RESOLVED, The House of Representatives concurring, that we, the Fourteenth Legislative Assembly of the State of Montana, do hereby petition the Congress of the United States for the passage of necessary legislation to open for settlement at as early a date as practicable, the land embraced within the Crow Indian Reservation, situated in the southeastern portion of the State of Montana;

RESOLVED, Further, that a copy of this Memorial be forwarded by the Secretary of State to the Honorable Secretary of the Interior and to our Senators and Representatives in Congress, with the request that they use every effort within their power to bring about the early opening to homestead settlement or otherwise of said Crow Indian Reservation.

Approved Feby. 9th, 1915.

SENATE JOINT MEMORIAL NO. 3.

To the Honorable Senate and House of Representatives of the United States in Congress Assembled:

WHEREAS, There lies within the County of Lincoln and State of Montana, and within the Cabinet Mountains, an unsurveyed territory described as follows:

"Beginning at the northwest corner of unsurveyed section one, township 30 north, range 33 west, M. M., and running south 12 miles to southwest corner of unsurveyed section 36, township 29 north, range 33 west; thence west to the northwest corner of unsurveyed section one of township 28 north, range 33 west; thence south six miles to the southwest corner of unsurveyed section 31, township 28 north, range 32 west; thence east to the summit of the main range of the Cabinet Mountains; thence in a northerly direction meander-

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ing the summit of said main range to the north line of unsurveyed township 28 north, range 32 west; thence east to the southwest corner of unsurveyed section 35, township 29 north, range 32 west; thence north 12 miles to the northwest corner of unsurveyed section two, township 30 north, range 32 west; thence west along the north line of unsurveyed township 30 north, range 33 west to the point of beginning, embracing an area of approximately 100 square miles," which abounds in scenery of the natural beauty, consisting of rugged mountains, beautiful lakes, waterfalls, mountain streams, and the Blackwell Glacier, one of the greatest scenic sights of the Northwest; and

WHEREAS, Nowhere on the American Continent is there found a section of equal area which has more wonderful scenery than this, more rugged and awe-inspiring mountain view, more beautiful rivers and lakes, than are to be found within this territory; and

WHEREAS, The Blackwell Glacier is the only one to be found within the Cabinet Range of Mountains, all of which will attract many people and will gratify their natural desire for the beautiful, if the same be opened as a National Park and taken care of in an appropriate manner; and

WHEREAS, The country surrounding this in general abounds in all kinds of native wild game, and the waters of both lakes and streams in trout and greyling and other fish, and if the same be set aside by the National Government for the benefit and enjoyment of the people in general it would, in a very short time, become one of the Nation's greatest recreation grounds; and

WHEREAS, This proposed National Park lies alongside of the highway known as the Glacier National Park-Spokane Interstate Automobile Highway, and would be easily reached by automobile through the construction of but a few miles of road from this great national highway; and

WHEREAS, At this time there is not a single settler in the area covered by the proposed park, entailing no hardships of any sort on any individual through this particular territory being designated and set aside as a National Park.

NOW THEREFORE, BE IT RESOLVED, The House of Representatives concurring, that we, the Fourteenth Legislative Assembly of the State of Montana do hereby petition the Congress of the United States for the passage of necessary legislation to set aside the said territory as a National Park for the use, enjoyment and benefit of the people as a whole, at as early a date as is practicable.

RESOLVED FURTHER, That a copy of this Memorial be forwarded by the Secretary of State to the Honorable Secretary of the Interior and to our Senators and Representatives in Congress, with the request that they use every effort within their power to bring about the early creation, setting aside and opening for the benefit of the public, this territory to be known as designated as a National Park.

Approved February 25, 1915.

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SENATE JOINT MEMORIAL NO. 4.

To the Honorable Secretary of the Interior, Washington, D. C.:

WHEREAS, A war is raging in Europe preventing thousands of American tourists from making their annual auto tour to European countries, and

WHEREAS, The World's Fairs are being held this year at San Francisco and San Diego, and

WHEREAS, Magnificent highways have been built from the Pacific to the Atlantic, and

WHEREAS, The year 1915 offers an unusual opportunity for the United States to let her auto tourists see the most marvelous of all the world's scenery—the Yellowstone National Park—and hundreds of other scenic wonders of the West, the most of which are not equalled in Europe, and

WHEREAS, This year offers the tourist an opportunity to spend his money in the United States, and

WHEREAS, To take a trip across our vast domain enables our American citizens to more fully appreciate their native land, and

WHEREAS, A trip of this kind instils a patriotism that would be hard to instil in any other way, and

WHEREAS, Auto tourists are largely discouraged from making transcontinental trips because they are not allowed the great convenience of passing through the Yellowstone National Park from north to south, or from east to west with their machines, and

WHEREAS, The prospective tourist is thus discouraged from seeing by auto much of America's most marvelous scenery, and

WHEREAS, Magnificent roads have been built in the Yellowstone Park with the nation's money for the use of all the people, to give them access to this, the greatest of the nation's numerous playgrounds, and

WHEREAS, The stations and hotels within the Park are so located that autos can easily run from one to another between the hours of 6:00 p. m. and sunset and between sunrise and 7:00 a. m., of the days when the Park is open to tourists, and at which time of day there need not be traffic by horses on any of the said roads, and

WHEREAS, Automobile travel in the hours asked for above will not in any way interfere with the present stage traffic in the Park, and will still afford autoists time to go from station to station within the Park in daylight, now therefore,

BE IT RESOLVED, by the Senate of the Fourteenth Legislative Assembly of Montana, the House concurring, that we petition the Honorable Secretary of the Interior to permit automobiles to pass over the roads in the Yellowstone National Park, during the hours between 6:00 p. m. and 7:00 a. m., on those days when the park is open to the general public.

RESOLVED FURTHER: That a copy of this Memorial be forwarded by the Secretary of Senate to the Honorable Secretary of the Interior, and to our Senators and Representatives in Congress.

Approved February 27, 1915.

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SENATE JOINT RESOLUTION NO. 1.

A Resolution providing for the appointment of a Joint Committee for the purpose of making suggestions and of preparing such amendments as may be deemed necessary to the several Initiative Measures heretofore adopted by the people of the State of Montana:

BE IT RESOLVED by the Senate of the State of Montana, the House of Representatives concurring,

WHEREAS there has been adopted and enacted into law many provisions of vital concern to the people of the State of Montana by the several Initiative Measures now a part of the law of the State of Montana, and

WHEREAS it is apparent that some of the provisions contained in these laws need revision and amendment,

THEREFORE BE IT RESOLVED, that the President of the Senate appoint a Committee composed of two Republicans and two Democrats and that the Speaker of the House of Representatives appoint a like Committee to be composed of two Democrats and two Republicans, and that the Joint Committee so appointed be directed to make investigation into the several Initative Measures and introduce such Bills as may be necessary for the proper amendment thereof.

Approved Feby. 3rd, 1915.

SENATE JOINT RESOLUTION NO. 2.

A Resolution extending to the President of the United States an invitation to visit the State of Montana.

WHEREAS, It has become known to the members of the Fourteenth Legislative Assembly of the State of Montana that the Honorable Woodrow Wilson, President of the United States, purposes a visit to the Pacific Coast and the Panama-Pacific International Exposition at some time during the month of March or April of this year; and

WHEREAS, The people of Montana would with one accord be proud of an opportunity to do honor to the Chief Executive of the Nation, should his itinerary be so arranged as to bring him within the borders of their commonwealth: Now, therefore, be it

RESOLVED by the Senate of the Fourteenth Legislative Assembly of Montana, the House of Representatives of said Assembly concurring, That this Assembly does hereby on behalf of all the people of the State of Montana extend to the Honorable Woodrow Wilson, President of the United States, a most earnest invitation to stop in Montana on his return from the Panama-Pacific Exposition, assuring him that our people, without regard to political faith, will give him welcome in a manner fully in keeping with the traditions of the great Northwest and befitting the sentiments of all loyal American citizens.

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RESOLVED, FURTHER, That the Secretary of the Senate and the Chief Clerk of the House be and that they are hereby directed to transmit to President Wilson a copy of this Resolution, suitably engrossed.

Approved Jany. 29th, 1915.

SENATE JOINT RESOLUTION NO. 6.

BE IT RESOLVED in order to expedite the work of the Joint Committee appointed by the House and Senate "That the Joint Committee be and the same is hereby authorized to subpoena witnesses and administer oaths to such witnesses; that the Committee be authorized to expend in the discharge of its duties a sum not exceeding One Thousand Dollars ($1000.00), and the State Auditor shall pay any claims certified to by the Committee from the Contingent Expense Fund of the Fourteenth Legislative Assembly already provided for."

This Committee shall also have authority to subpoena witnesses and to pay their per diem and mileage in the same manner as above provided.

Approved Feby. 9, 1915.

SENATE JOINT RESOLUTION NO. 7.

WHEREAS, The Daily Missoulian, published in the City of Missoula, Montana, has seen fit to publish in its issues of January 24 and January 25, 1915, certain articles reflecting upon a reputable body of men who are citizens of and form a part of our great commonwealth; and

WHEREAS, Certain individuals have seen fit to cast reflections upon an industry standing high in the State and in the communities in which they are legitimately engaged in business; and

WHEREAS, The honorable business men engaged in the pursuit of selling lumber are entitled to fair treatment on all hands;

NOW, THEREFORE, BE IT RESOLVED by the Senate of the Fourteenth Legislative Assembly, the House of Representatives concurring, that the President of the Senate be requested and he is hereby authorized to appoint a committee of three members of this body to act with a like number to be appointed by the Speaker of the House; this Committee so appointed to investigate the conduct of industries affected by the above mentioned reports and report its findings to the respective houses; and in the conduct of such investigation the said Committee is hereby empowered to subpoena witnesses, pay for their attendance, and if necessary employ an attorney to assist in the investigation. Such investigation, however, to be conducted at an expense of not to exceed Five Hundred Dollars ($500.00). The same to be paid from the contingent expense account of the Fourteenth Legislative Assembly.

Approved Feby. 5th, 1915.

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SENATE JOINT RESOLUTION NO. 8.

WHEREAS, Under Section 5 of Senate Bill No. 56, the Senate and House of Representatives may, by a Joint Resolution, adopted and spread upon the minutes of each House, provide for the employment of additional help in cases of emergency where extraordinary conditions render such a course necessary for the orderly and expeditious conduct of the business of the Legislative Assembly, and

WHEREAS, The Senate finds it necessary for the expeditious conduct of business to have additional help, viz: Two clerks for proof readers to be stationed at the State Publishing Company, in order to expedite the delivery of Senate Bills,

NOW THEREFORE, BE IT RESOLVED, By the Senate of the Fourteenth Legislative Assembly of the State of Montana, the House of Representatives concurring, that the Employment Committee of the Senate be authorized to appoint the additional help above stated in this Resolution, such clerks and other help being required to expedite the business of the Legislative Assembly.

Approved February 25, 1915.

SENATE JOINT RESOLUTION NO. 10.

WHEREAS, Soon after the commencement of the war which is now being waged in Europe, certain of the belligerent nations began and continued the seizure of ships sailing under American and other neutral flags carrying copper from America to European nations not involved in the war, which seizures resulted in almost the entire cessation of copper shipments to neutral countries and such narrowing of the legitimate foreign markets with the restricted demand in this country, threatened to make impossible the continuance of the copper production in this country, even at the then curtailed rate, thus most seriously crippling one of the main industries of Montana, and bringing further disaster to our people; and

WHEREAS, Largely through the prompt, energetic and able protests of Montana's senators and representatives in Congress, the Honorable Henry L. Myers, the Honorable Thomas J. Walsh, the Honorable Tom Stout and the Honorable John M. Evans, and their clear exposition of the injustice and indefensibility of such action of the warring nations in interfering with commerce under neutral flags and between neutral nations, the State Department of the United States made emphatic protests against such conduct and notified the offending nation that such interference with our commerce would no longer be tolerated, which protest has resulted in at least partial, and promises in the near future full, relief from such situation:

NOW, THEREFORE, BE IT RESOLVED, that the Legislative Assembly of the State of Montana does hereby emphatically commend the action of, and the assistance rendered by, Montana senators and representatives, and does hereby express the indebted-

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ness of the people of our State to them, and does hereby commend the Department of State of the United States for the firm stand taken by it upon a matter so vital to Montana's interest, and does further urge that continued vigilance be exercised, to the end that there be no further interference of this character with commerce in the products of Montana's industries.

BE IT FURTHER RESOLVED, That a copy hereof be transmitted by the Secretary of State, of the State of Montana, to Montana Senators and Representatives in Congress, and to the Department of State, of the United States.

Approved March 5, 1915.

SENATE JOINT RESOLUTION NO. 11.

WHEREAS, Under Section 5 of Senate Bill No. 56, the Senate and House of Representatives may, by a Joint Resolution, adopted and spread upon the minutes of each House, provide for the employment of additional help in cases of emergency where extraordinary conditions render such a course necessary for the orderly and expeditious conduct of the business of the Legislative Assembly, and

WHEREAS, The Senate finds it necessary for the expeditious conduct of business to have additional help, viz: One clerk for proof reader in the Enrolling Room in order to expedite the delivery of Senate Bills.

NOW THEREFORE, BE IT RESOLVED, by the Senate of the Fourteenth Legislative Assembly of the State of Montana, the House of Representatives concurring, that the Employment Committee of the Senate be authorized to appoint the additional help above stated in this Resolution, such clerk and other help being required to expedite the business of the Legislative Assembly.

Approved February 25, 1915.

HOUSE JOINT MEMORIAL NO. 1.

To the Honorable Senate and House of Representatives of the United States in Congress Assembled:

WHEREAS: There is now pending in the House of Representatives in the United States an Act appropriating the sum of Five Hundred Thousand ($500,000.00) Dollars for the purpose of irrigating certain lands on the Flathead Reservation in Montana;

WHEREAS: The irrigation project on said reservation cannot be carried on successfully or to the advantage of the settlers and allottees with an appropriation of a smaller amount than Five Hundred Thousand ($500,000.00) Dollars;

WHEREAS: The work now undertaken is of such a nature and of such an extent that it will be impossible to continue same with an amount less than herein stated; and,

WHEREAS: Many settlers are solely dependent upon the early completion of said Project in order that they may get water upon

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their lands, and that unless they receive water within the coming year their families may become destitute and starving.

NOW, THEREFORE BE IT RESOLVED, The Senate concurring, that we, the Fourteenth Legislative Assembly of the State of Montana, do hereby petition the Congress of the United States, for the passage of the now pending Act appropriating for reclamation purposes upon the Flathead Irrigation Project, the sum of Five Hundred Thousand ($500,000.00) Dollars as herein set forth; further,

RESOLVED, That a copy of this Memorial be forwarded by the Secretary of State, to the President of the United States and to the Secretary of the Interior and to our Senators and Representatives in Congress, with the request that they use their every effort to bring about a speedy passage of the Act herein referred to and for the purposes therein indicated.

Approved February 3, 1915.

HOUSE JOINT MEMORIAL NO. 2.

Petition to Congress to enact legislation validating all desert land claims made prior to March 23, 1914.

RESOLVED That the Legislative Assembly of the State of Montana favors the enactment of a law by the Congress of the United States, giving title to all desert land entrymen to claims filed prior to March 23, 1914. Entrymen having filed claims prior to this date mentioned, taking their water supply from dry coulees and other insufficient water sources shall not be denied title to said claims, provided that said entrymen have complied with the Desert Land Law in making the required improvements upon said claims.

Therefore Be it resolved that an engrossed copy of this Resolution be sent to the members of the United States Senate and House of Representatives from the State of Montana.

Approved Feby. 5th, 1915.

HOUSE JOINT MEMORIAL NO. 4.

To the Honorable Senators and Representatives of the United States in Congress Assembled:

WHEREAS: Cook City, Montana, has a population of seventy-five (75) people; and Sluice Creek, Montana, a population of four (4) people; and Clark's Fork, Wyoming, a population of twenty-five (25) people, all of whom have been deprived of any and all postal services by reason of the discontinuance of mails to the said Cook City, Montana, where all of said persons have heretofore received their mail:

WHEREAS: The nearest post-office to said Cook City and villages is Gardner, Montana, which is a distance of sixty-five (65) miles over mountain roads through the Yellowstone National Park; and

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WHEREAS: By reason of the great increase in the amount of mail to be carried to the above mentioned points, caused by the introduction of the parcels post, the bid of the carrier was considered too high by the Post-Office Department at Washington, D. C.: and for that reason, alone, was rejected, and no further steps have been taken by the Government to restore such service; and

WHEREAS: The discontinuance of the mail service to these points will mean the abandonment of one of the richest and most promising mining districts in the State of Montana; and the consequent commercial loss to the Commonwealth and great injustice to the inhabitants of said towns and villages, compelling the abandonment of their homes and destruction of their means of support and the retardation of the growth and development of all the mining region around:

NOW, THEREFORE BE IT RESOLVED, The Senate concurring: That we, the Fourteenth Legislative Assembly of the State of Montana, de hereby petition Congress of the United States to take such immediate steps as are practicable to re-establish the Postal Service heretofore mentioned, and bring the relief that the citizens of these communities demand and hereby correct the evil herein above referred to.

RESOLVED FURTHER: That a copy of this Memorial be forwarded by the Secretary of State of the State of Montana, to the Honorable Senate and House of Representatives of the United States, and

BE IT FURTHER RESOLVED: That a copy hereof be transmitted by the Secretary of the State to each of our Senators and Representatives in the Congress of the United States at Washington. D. C., with the request that they use every effort within their power to bring about speedy action for the accomplishment of the ends and purposes herein indicated.

Approved Feby. 9th, 1915.

HOUSE JOINT MEMORIAL NO. 5.

To the Honorable Senators and Representatives of the United States in Congress Assembled:

WHEREAS: The Fort Peck Indian Reservation was opened for settlement on May 1st, 1914; and during that period since that date less than four hundred entries have been made on the reservation, on a tract of fertile land which would accommodate at least six thousand entrymen; and

WHEREAS: The Interior Department has, in an effort to stimulate settlement, increased the minimum area of homestead entries on the reservation from one hundred sixty acres to three twenty acres, and yet affected no increase in the number of entries made nor stimulated interest in reservation lands; and

WHEREAS: The large number of prospective settlers coming to

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this district are making entry and settlement on inferior lands in the public domain in preference to paying the price asked and making sacrifices required to acquire title to the reservation lands; and

WHEREAS: Careful inquiry from these settlers and a close study of the conditions show that the reason for the lack of interest in the reservation lands arises from the fact that the appraised valuation of the land is too high; and that it is possible to purchase in our settled communities deeded land of equal quality, with buildings, wells, fencing, plowing and general improvements, and without any residence required, for less money per acre, than can be done on the reservation; to say nothing of the settlers' cost of maintaining residence during the time required; and

WHEREAS: The settlers already on the reservation are now without roads, which are badly needed, without schools for the education of their children, and without markets for their products within reasonable distance. Their lands, though equaling in quality those of their neighbors in settled districts outside of the reservation, will not bring an equal price, due to the unimproved, uninhabited lands around them. These drawbacks will continue until existing conditions and laws are changed, so as to be more promising and inviting to the prospective settler, and the settlement of all the districts is obtained; and

WHEREAS: The failure of settlement on the reservation works to the injury of the Fort Peck Indians and all business interests of the district and retards the development of one of the richest tracts of land left for settlement in the West; now therefore be it

RESOLVED, The Senate concurring, that we, the Fourteenth Legislative Assembly of the State of Montana, do hereby petition Congress of the United States to take such immediate steps as are practicable to reduce the appraised valuation of the lands of the Fort Peck Indian Reservation, making this reduction applicable to the lands of the present settlers as well as those to be settled upon in the future; and that this reduction be sufficient to make it possible for settlers desiring homestead lands to make entry and settlement on the reservation with some reasonable assurance that they will be able to complete their improvements and make the payments required.

RESOLVED FURTHER: That a copy of this Memorial be forwarded by the Secretary of the State of Montana, to the Honorable Senate and House of Representatives of the United States, and be it further

RESOLVED: That a copy hereof be transmitted by the Secretary of the State to each of our Senators and Representatives in the Congress of the United States, and to the Honorable Cato Sells, Commissioner of Indian Affairs at Washington, D. C., with the request that they use every effort within their power to bring about speedy action for the accomplishment of the ends and purposes herein indicated.

Approved February 27th, 1915.

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HOUSE JOINT MEMORIAL NO. 6.

A Memorial to the Honorable Senate and House of Representatives of the United States, in Congress Assembled,, requesting the passage of House Bill Number 15,219, being a Bill for an Act to further the Economic Use of Forests and Forest Lands and the Training of Forestry Students in Collegiate Institutions that are or may be aided by States in which are Federal Forest Reserves.

To the Honorable Senate and House of Representatives of the United States, in Congress Assembled:

WHEREAS, There has been introduced and is pending in the House of Representatives of the United States, House Bill Number 15,219 (introduced by Representative French) being a Bill for an Act to further the economic use of forests and forest lands and the training of forestry students in collegiate institutions that are or may be aided by states in which there are Federal Forest Reserves, by providing for an annual appropriation of five per centum (not to exceed $15,000.00 to one state) of the receipts of the forest areas in the respective states for the endowment of the forest school to be designated by the State Legislature, or previous to such designation by the Governor of the State, and,

WHEREAS, In the State of Montana, with her large Federal Forest Areas, the immediate benefit of forestry schools supported by that State accrues largely to the Government of the United States in technical and practical training of forest officials and employes and in the development and protection of the National Forest Areas, and,

WHEREAS, It is only just that a proportion of the cost of maintaining such schools should be borne by the beneficiaries thereof,

NOW, THEREFORE, The Honorable Senate and House of Representatives of the United States, in Congress assembled, is hereby respectively memorialized and petitioned by the Senate and House of Representatives of the Legislative Assembly of the State of Montana, duly assembled, to enact into law, the above designated Bill;

AND BE IT FURTHER RESOLVED That the Secretary of the State of Montana be, and he is hereby, directed to transmit to the Speaker of the House of Representatives and the President of the Senate of the United States, and to the Senators and Representatives from the State of Montana, in Congress, severally, copies of this Memorial.

Approved February 26, 1915.

HOUSE JOINT MEMORIAL NO. 7.

To the Honorable Senate and House of Representatives of the United States in Congress Assembled:

WHEREAS, The Blackfeet Indian Reservation situated in the Northwestern portion of the State of Montana, comprising an area of approximately 1,500,000 acres, the major portion of which is of

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great agricultural value and capable of producing cereals and other farm products in great abundance, is now reserved for the use of the Peigan Indian Tribe; and,

WHEREAS, The total membership of said Indian Tribe is less than 2,489 persons including men, women and children; and,

WHEREAS, There has been allotted in severalty to each member of said tribe valuable lands sufficient under a proper administration of their affairs to sustain said Indians in comfort and assure them the means of an independent livelihood; and,

WHEREAS, But a very small portion of said Indian Reservation is ever used by any of said Indian Tribe for any purpose whatsoever, the same being leased to large cattle owners and flock masters at a rental insignificant by comparison with the agricultural possibilities thereof; and.

WHEREAS, Practically all of the valuable homestead lands of Northeastern Montana have been claimed and occupied under the home stead laws of the United States; and,

WHEREAS, It is physically impossible for this number of Indians to occupy and use this vast area of valuable farm land, even though said Indians were possessed of the average ability of our white citizens in the management of agricultural pursuits; and,

WHEREAS, It would result in the great betterment of the industrial, financial and moral conditions of the Indians themselves if they were compelled to occupy, use and manage under proper supervision, the lands already allotted to them, large areas of which have been irrigated by the Government at great expense and are now almost wholly unused;

THEREFORE BE IT RESOLVED, the Senate concurring, that we, the Fourteenth Legislative Assembly of the State of Montana, do hereby petition the Congress of the United States for the passage of necessary legislation to open for settlement at as early a date as practicable, the land embraced within the Blackfeet Indian Reservation situated in the Northwestern portion of the State of Montana.

RESOLVED FURTHER, That a copy of this Memorial be forwarded to the Secretary of the State to the Honorable Secretary of the Interior and to our Senators and Representatives in Congress with the request that they use every effort within their power to bring about the early opening to homestead settlement or otherwise of said Blackfeet Indian Reservation.

Approved March 8th, 1915.

HOUSE JOINT MEMORIAL NO. 8.

To the Honorable Senate and House of Representatives of the United States in Congress Assembled:

Your memorialists, the Senate and House of Representatives of the State of Montana, in Legislative Session Assembled, do most respectfully represent and petition:

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WHEREAS, In order to secure the exploration and development of coal, oil and gas resources, it is necessary that leases be executed by the State of Montana, granting authority to its lessees to explore such coal, oil and gas resources and to extract the same from its lands, and to use so much of the surface as may be necessary therefor, upon the payment of a proper rental or royalty; and

WHEREAS, By the terms of the Act of Congress approved February 22, 1889, providing for the formation of Constitutions and State Governments for the States of North Dakota, South Dakota, Montana and Washington, and the admission thereof into the Union, and making donations of public lands to such States, it was provided that the lands so donated and granted may be leased for periods of not more than five years, in quantities not exceeding one section to any one person or company;

NOW, THEREFORE, BE IT RESOLVED, That the Senate and House of Representatives of the State of Montana do request the Congress of the United States to so amend the aforesaid Act of February 22, 1889, as to permit the said several States, including the State of Montana, by its offivers, to execute leases for the exploration and extraction of the aforesaid minerals which may be contained upon or beneath the surface of any of said granted lands, together with the right to use so much of the surface of the said lands as may be necessary therefor, and for such periods of time as may be determined by or under the legislative authority of said States.

RESOLVED, That a copy of this Memorial be forthwith transmitted to the presiding officer of the United States Senate, the Speaker of the House of Representatives, the Chairman of the Senate and House Committees on Public Lands, the Secretary of the Interior and to each member of the Montana delegation in Congress.

Approved March 8th, 1915.

HOUSE JOINT MEMORIAL NO. 10.

WHEREAS, The Glacier National Park situated in the Counties of Flathead and Teton in the State of Montana is wholly under the supervision of the Government of the United States, is divided by a high mountain range over which there is no means of travel other than by railroad; and

WHEREAS, The various counties in the State of Montana both east and west of the Glacier National Park have constructed and do maintain wholly at their expense highways which are now open for through travel from the east boundary of the State to the said Glacier National Park and from the west boundary of the State to the west entrance of said park, which said highways connect with highways which are now open for travel from the Great Lakes to the Pacific Coast, leaving an unconstructed link through the Gla-

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cier National Park which should be completed at the earliest possible moment; and

WHEREAS, Under present conditions it is impossible for tourists and travelers to go through said park except by pack horses and under very adverse conditions, Therefore be it

RESOLVED, by the Legislative Assembly of the State of Montana that the Government of the United States be urged to make an appropriation to start the construction of a roadway through the park from east to west; and be it further

RESOLVED, That copies of this resolution be sent to the President of the United States, the Secretary of the Interior and the Members of the United States Senate and House of Representatives from Montana.

Approved March 8, 1915.

JOINT HOUSE RESOLUTION NO. 1.

A Resolution memorializing Congress for the building of one steel bridge jointly with the County of Big Horn across the Big Horn River on the Crow Indian Reservation.

To the Honorable Senate and House of Representatives in the Congress of the United States Assembled:

WHEREAS, the lands lying within the Crow Indian Reservation lie along the east bank of the Big Horn River, in Montana, and there dwell the major portion of the population of whites and Indians in the said reservation;

WHEREAS, the county seat of Big Horn is situated on the west side of the said Big Horn River, being by name the town of Hardin, the chief marketing and commercial center of the district aforementioned;

WHEREAS, there are no means of communication from the government lands of the Crow Indian Reservation and the said town of Hardin, except by a long devious route, which, in certain months of the year, is practically impassable;

WHEREAS, by proclamation of the President, there was thrown open for homesteading on the twenty-fifth day of October, 1914, the ceded portion of the Crow Indian Reservation, comprising about two hundred thousand (200,000) acres; and

WHEREAS, there are no means of ingress and egress to the said ceded strip from the said town of Hardin, the closest city or town of importance to the said ceded portion except by fording the waters of the Big Horn River, which, during the greater part of the year is a dangerous and unsafe proceeding.

NOW, THEREFORE BE IT RESOLVED by the House of Representatives of the Fourteenth Legislative Assembly of the State of Montana, the Senate concurring herein, that we petition the Congress of the United States for the necessary funds to be taken out of Crow Indian moneys, enabling and directing the joint construc-

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tion with the County of Big Horn, Montana, under the supervision of the Board of County Commissioners of Big Horn County, Montana, of one steel highway bridge across the Big Horn River, at a suitable and convenient place in the said county of Big Horn, one-half of the expenses of the construction of said bridge to be paid out of the funds set aside and designated Crow Indian moneys, and the other half of said expense to be paid out of the public treasury of the said county of Big Horn, under an agreement to be entered into between the proper federal officers and the County Commissioners of Big Horn County, Montana.

RESOLVED, FURTHER that a copy of this memorial be forwarded by the Secretary of State of Montana to the Senate of the United States.

AND that a copy of this memorial be forwarded by the Secretary of the State of Montana to the House of Representatives of the United States.

AND BE IT FURTHER RESOLVED, that a copy hereof be transmitted by the Secretary of State of the State of Montana to the Senators and Representatives in Congress of the State of Montana with the request that they use every effort within their power to bring about a speedy action for the accomplishment of the ends and purposes herein indicated.

Approved Feby 5th, 1915.

HOUSE JOINT RESOLUTION NO. 4.

WHEREAS, A high mountain range separates the southwestern part of Gallatin County, Montana, from the remainder of the country; and

WHEREAS, The only practicable route for a wagon road to connect the two sections is through a corner of the Yellowstone National Park; and

WHEREAS, The county of Gallatin has constructed, wholly at its own expense, a rude road through a corner of the Yellowstone National Park that enables residents of said southwestern corner to travel on it to the Gallatin Valley, the county seat, and to stations on transcontinental railroad lines, and from points on said lines to Yellowstone on the Oregon Short Line; and

WHEREAS, Said wagon road is an interstate north and south highway that connects the post roads of Montana with those of Idaho and the states to the south and west, and, if put in condition, would be a convenience to many interstate travelers; and

WHEREAS, The part of this interstate highway that is within the Yellowstone National Park is in poor condition and at times impassable;

BE IT THEREFORE RESOLVED by the Legislative Assembly of the State of Montana that the Government of the United States be urged to take over the road Gallatin County has constructed

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through the corner of the Yellowstone National Park and to improve the same so that it may become a highway over which vehicles may travel in safety and comfort, and

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the President of the United States, the Secretary of the Interior and the members of the United States Senate and House of Representatives from Montana.

Approved February 27th, 1915.

JOINT HOUSE RESOLUTION NO. 5.

A Resolution Memorializing Congress for the Building of One Steel Bridge Jointly With Sanders County, Across the Flathead River on the Flathead Indian Reservation.

WHEREAS, The lands lying west of the Flathead River in the Flathead Indian Reservation in Sanders County are populated by about one-third of the White and Indian residents of the county;

WHEREAS, The Agency Buildings and one of the chief marketing and commercial centers of said district, the town of Dixon, are situated on the east side of said Flathead River;

WHEREAS, There are no means of communication from the Government lands of the Flathead Indian Reservation, lying West of the Flathead River, and the Agency located at the town of Dixon, except by a long devious route, necessitating the travel of one hundred miles or more;

WHEREAS, The lands embraced within said district have been thrown open to settlement under the land laws of the United States;

WHEREAS, There is no bridge across said Flathead River, and the same is not fordable, at the said town of Dixon, and ferry boats cannot operate thereon, except during a limited period of time in the summer months; Now, therefore, be it

RESOLVED, By the House of Representatives of the Fourteenth Legislative Assembly of the State of Montana, the Senate concurring herein, that we petition the Congress of the United States for the necessary funds to be taken out of the moneys belonging to the Flathead Indians to enable the joint construction with the county of Sanders, Montana, under the supervision of the Board of County Commissioners of Sanders County, of one Steel Highway Bridge across the Flathead River, opposite the Agency Buildings, at Dixon, Montana, one-half of the expense of the construction of said bridge to be paid out of the funds belonging to the Flathead Indians, and the other half of said expense to be paid out of the Road and Bridge Fund of Sanders County, under an agreement to be entered into between the proper Federal Officers and the County Commissioners of Sanders County.

RESOLVED, That a copy hereof be transmitted to the Secretary of State of the State of Montana, to the Senators and Representa-

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tives in Congress of the State of Montana, with the request that they use every effort within their power to bring about speedy action for the accomplishment of the ends and purposes herein indicated.

Approved March 8th, 1915.

HOUSE JOINT RESOLUTION NO. 6.

WHEREAS, Under Section 5 of Senate Bill No. 56, the House of Representatives and the Senate may, by a Joint Resolution, adopted and spread upon the Journals of each House, provide for the employment of additional help in cases of emergency where extraordinary conditions render such a course necessary for the orderly and expeditious conduct of the business of the Legislative Assembly; and

WHEREAS, The House of Representatives now finds it necessary for the expeditious conduct of business to have additional help, viz: Two Clerks for the Enrolling Room, One Clerk for the Chief Clerk's Office and One Janitor, to expedite the work of the House of Representatives;

NOW, THEREFORE, BE IT RESOLVED, By the House of Representatives of the Fourteenth Legislative Assembly of the State of Montana, the Senate concurring, that the Employment Committee of the House of Representatives be and is hereby authorized to appoint the additional help above set forth in this Resolution, such Clerks and other help being required in order to expedite the business of the Assembly.

Approved Feby 25th, 1915.

HOUSE JOINT RESOLUTION NO. 7.

WHEREAS, Under Section 5 of Senate Bill No. 56, the House of Representatives and the Senate may, by a Joint Resolution, adopted and spread upon the Journals of each House, provide for the employment of additional help in cases of emergency where extraordinary conditions render such a course necessary for the orderly and expeditious conduct of the business of the Legislative Assembly, and

WHEREAS, The House of Representatives now finds it necessary for the expeditious conduct of business to have additional help, viz: One Clerk for the Printing Room; One Clerk for the Enrolling Room, and Three Clerks for general purposes, to expedite the work of the House of Representatives.

NOW THEREFORE, BE IT RESOLVED, By the House of Representatives of the Fourteenth Legislative Assembly of the State of Montana, the Senate concurring, that the Employment Committee of the House of Representatives be and is hereby authorized to appoint the additional help above set forth in this Resolution, such Clerks and other help being required in order to expedite the business of the Assembly.

Approved Feby 25th, 1915.

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CHANGES OF NAMES REPORTED IN 1914 AND 1915.

Original Name	Name Decreed	Residence
Artele Bever	Artele Bever Ruese	Billings
Joseph Elizabeth Crow	Josephine Elizabeth Hodges	Kalispell
Minerva A. Penny	Minerva A. Burrus	Kalispell
Edmund Early Penny	Edmund Early Burrus	Kalispell
John Shishkowsky	John Miller	Ekalaka
Olaf Atletvedt	Olaf Lund	Whitefish
Mary Tregear	Mary Martel	Kalispell

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APPENDIX

(Note by the Secretary of State).

The following bill was passed by the people under the Initiative at the general election in 1914. The Attorney General has given his opinion that the Act is unconstitutional and inoperative. It has not been tested in the Courts.

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A BILL

To propose by Initiative Petition a law, "Providing for the safe investment of the state permanent common school funds, and all other state educational, charitable and penal institution funds in the securities herein designated, for the prompt collection of interest thereon, providing a method of procedure in making said investments to guard and protect such funds and prescribing the duties and obligations of the various officers of the state and the several counties to whom such funds are intrusted."

Be It Enacted by the People of the State of Montana:

Section 1.

All moneys belonging to the permanent common school and all other permanent state educational, charitable and penal institution funds must be invested by the State Board of Land Commissioners in bonds of school districts, within the state of Montana, provided, that before such moneys are so invested, the said board must be satisfied that the bonds so to be negotiated are the only bonds issued by the school district, and that the outstanding indebtedness of said district does not exceed three per cent of the valuation of the property within it; in bonds of the State of Montana or of the United States; in interest-bearing warrants upon the general funds of the state; in any state capital building bonds of the State of Montana, now issued, or which may be hereafter issued; in bonds of irrigation districts within the State of Montana; in first mortgages on good, improved farm land in the State, in the manner provided herein.

Section 2.

In order to secure continuous investment, so far as possible, for the moneys of the above described funds, it shall be the duty of the State Board of Land Commissioners to fill the applications for loans on farm lands received from the different counties, as rapidly as such funds are available, and in the order in which they are received, provided, however, that if enough of such moneys remain on hand in the state treasury uncalled for, to warrant them doing so, the State Board of Land Commissioners shall divide such moneys among the organized counties of the state, in proportion to the population, as nearly as may be, subject to the following provisions:

(a) On or before the 25th day of May and November in each year, the State Board of Land Commissioners shall cause to be made an estimate of the amount of permanent school and other state educational, charitable and penal institution funds which shall be on hand and uninvested by the first day of July and January next ensuing.

(b) The amount of such estimate shall be apportioned among the several organized counties of the state in proportion to population, and the county auditors of the several counties shall be forthwith notified of the amounts so apportioned.

(c) On receiving said notice, if no applications for loan of such

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fund upon first mortgages on improved farm lands, in an amount sufficient to cover said estimate, shall be on file in the office of the county auditor, he shall cause notice to be published in the newspapers designated by the board of county commissioners as the papers in which to published the proceedings of the county commissioners, which notice shall state the amount of money which will be in the county treasury for such loans and the terms upon which same may be loaned, and that applications therefor will be received at the office of the county auditor, which notice shall be published at the expense of the county, at least once in each week for four successive weeks, commencing as near the first day of June and December as may be possible. Should applications sufficient to take up all or any of such fund be received before the expiration of such period of publication of said notice, the publication of same may be discontinued.

(d) If no application for loans of such funds shall be received by the county auditor prior to the first day of January or July, as the case may be, he shall promptly notify the State Board of Land Commissioners to that effect. If applications shall be received by the county auditor in excess of the amount of the estimate for such county, the auditor shall, on or before the first day of July, or January, as the case may be, notify the said commissioners of the amount of applications so received.

(e) If the total amount of applications for loans of such funds, as certified by the several county auditors to the State Board of Land Commissioners, shall exceed the amount of moneys in said funds, on hand for distribution, the said Board of Land Commissioners shall distribute said funds by sending to the counties applying for loans less than the apportionment of the full amount of their several applications, and shall divide the remainder of such apportionment among the counties applying for more than the amounts apportioned to them separately, proportionately.

(f) If the amount of the applications certified by the several county auditors to the State Board of Land Commissioners shall be less than the full amount of such funds on hand for distribution, such funds shall be distributed in proportion to the population, among the several counties.

(g) If the amount of applications certified by the several county auditors shall equal the amount of the moneys on hand for distribution, the same shall be distributed accordingly.

Section 3. Duties and Obligations of the County Treasurer.

All moneys sent by the State Board of Land Commissioners to the several counties, under the provisions of this law, shall be delivered to the county treasurer, who shall execute triplicate receipts therefor; one to be filed with the county auditor, one with the state treasurer, and one with the Board of Land Commissioners.

It shall be the duty of the county treasurer to receive, collect and account for all moneys belonging to said funds so received from the State, or from individuals in payment of principal and interest

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on loans made by the county, and said county treasurer shall, at all times, be liable under his official bond to the state or any individual for the true accounting of all payments of any and all of said funds.

Section 4. Loans by Counties. How and to Whom Made. Rate and payment of Interest. Duties of County Commissioners.

Each county shall loan or invest and keep invested all funds so received from the State Board of Land Commissioners, as aforesaid, in first mortgages, upon good improved farm lands within their limits respectively. The amount of each loan shall not exceed two-fifths (2-5) of the actual cash value of the lands covered by the mortgage given to secure the same, and such value shall be determined by the board of county commissioners of the county in which the land is situated, and for performing these services said county commissioners shall be paid by the county their actual and necessary traveling expenses, if any, and no other compensation whatsoever, and in no case shall more than five thousand dollars ($5,000) be loaned to any one person, firm or corporation. All of said loans shall be made in the name of the state, as mortgagee, and all said first mortgages on farm property shall run for a period of time not to exceed ten (10) years, and the funds so invested shall bear interest at the rate of six per cent per annum, payable annually to the county treasurer of the county in which such lands lie. For the first one year payments shall consist only of interest, paid annually, and commencing with the second year, the interest shall be paid annually, as above stated, and the borrower shall have his option of paying, in addition to the interest, ten per cent or any multiple thereof of the principle at any interest-bearing date.

(a) Any such mortgage may be paid in full and satisfied at any time after one year from the date when made, on payment of the whole amount due thereon.

(b) In no case shall a first mortgage loan be made on land of which the appraised value is less than $10 per acre, and said loans, as provided herein, shall only be made to persons who are actual residents of the county where the lands upon which the mortgage is given are situated.

Section 5. Forms. How Prepared. By Whom. Contents.

It shall be the duty of the State Board of Land Commissioners and the Attorney-General of the state, to prepare a form of application and a form of mortgage for use in loaning said funds, such forms to be furnished free of cost by the several counties, to be used exclusively by them in the transaction of all business pertaining to school, educational, charitable and penal institution funds; provided, that said form of mortgage shall contain a provision that default in the payment of interest thereon at any time for a period of 30 days after the same shall become due, shall cause the whole principle and interest on said mortgage to be-

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come at once due and payable, and said mortgage may be foreclosed in the manner provided by law.

Section 6. County Commissioners to Publish Notice. Abstracts, Costs. Duties of County Officers. No Compensation. Application.

It shall be the duty of the county commissioners to cause from time to time, such notices to be given by publication in the newspapers of the county, if any be published therein, as will fully advise the people of the county whenever any moneys of such funds are in the county treasurer's hands for investment, as in this law provided.

(a) The county attorney shall examine the abstract of title of such lands as shall be offered as security for such loans and approve or reject the same and from his decision an appeal may be taken to a judge of the district in which the county is situated and it is made the duty of the district judge to pass on the title and, within ten days, report his findings in writing to the county auditor or county clerk and recorder of said county. No loan of such funds shall at any time be made to any county officer, while in office, nor to any relative or business associate of any county officer, while said officer is in office.

(b) Abstracts of title shall be furnished by the borrower at his expense and this, together with the cost of recording the mortgage, shall be the only charge to be paid by the borrower.

(c) Neither the county attorney, county auditor, county treasurer nor board of county commissioners shall receive any compensation for the duties they may perform, under the provisions of this law.

(d) Application for loans shall state amount desired and shall give the description and character of land, the source of title, all improvements, by whom occupied, crops growing and quantities produced the preceding year, location as to railroads, wagon roads, towns, cities, schools, churches and such other information as may be required by the county commissioners to correctly appraise the same; such application to be filled and signed by the borrower and verified by his oath as to all its contents and by him filed with the clerk and recorder of the county wherein the land is situated.

Section 7. Penalty for Failure to Act.

Any county clerk, county auditor, county attorney or county commissioner or county treasurer failing, refusing or neglecting to perform any of the duties which are required of him by this law, at the time required, shall be liable to a fine of not less than $50 or more than $250, to be recovered in a civil action in the district court by any citizen of the county against him and his bondsmen, and shall, in addition, be liable for all damages resulting because of such refusal or neglect.

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Section 8. Money Returned by Counties. When.

Whenever any moneys of the permanent school or other educational or state institution funds shall have been sent to and received by any county, and no application for loan of the same, as provided in this article, shall have been made, after notice, as hereinbefore provided shall have been published for four (4) successive weeks after the first day of January or July when such money was received, the county auditor shall certify such fact to the State Board of Land Commissioners, with a statement that such money cannot be loaned, it shall be the duty of the State Board of Land Commissioners to order the said funds returned to the state treasurer forthwith, with interest thereon, as herein provided for a period of sixty (60) days, and when so returned to the state treasurer, such funds shall be re-distributed by the State Board of Land Commissioners, or invested in other securities as provided by law.

Section 9. Default. Foreclosures. Lands Bid in by County.

In case of default in the conditions of any mortgage taken by any county pursuant to the provisions of this law, by reason of which the right to foreclose the same shall accrue to the state the county treasurer shall notify the county attorney of such default, and the county attorney shall, in the name of, and in behalf of the state, foreclose such mortgage by action in the manner provided by law for the foreclosure of mortgages upon real property. If no other person shall bid the full amount due upon said mortgage upon the foreclosure sale of the same, with the cost, and expenses of the foreclosure and sale, the county attorney or county auditor shall bid in the land in the name of the county for the amount due and all costs and expenses incurred, and such county shall at once pay to the State Board of Land Commissioners such full amount due and interest out of the general fund of the county, and if the same is not redeemed, as provided by law, the sheriff''s deed shall be made to the county and the county shall thereby become the owner of said land.

Section 10. Mortgages. How Satisfied.

Upon the full payment of any school or institution fund mortgage, it shall be the duty of the county treasurer of the county in which such mortgage was recorded to cancel the notes and mortgage by stamping them as paid, and he shall deliver to the person paying the same a certificate of the payment thereof, which certificate shall be presented to the auditor of said county and filed by him in his office, whose duty shall then be to execute in behalf of the county a full release and satisfaction thereof.

Section 11. When No County Auditor.

In counties having no county auditor, it shall be the duty of the county clerk and recorder to perform all of the duties herein designated to be performed by the county auditor and with the same force and effect.

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Section 12. Trust Funds.

All moneys which may, from time to time, be designated for investment in farm mortgages and shall, for such purpose be divided among the organized counties of the state, pursuant to this law, shall be held and managed as trust funds, and the several counties shall be and remain responsible and accountable for the principal and interest of all such moneys received by them, from the date of receipt until return, and in case of the loss of any money so apportioned to any county, such county shall repay the same out of its common revenue.

Section 13. Accounting.

Each county shall, semi-annually, on the first day of January and July, render an account of the condition of the funds so intrusted to it, to the State Board of Land Commissioners, and at the same time pay into the state treasury the interest due on all such funds.

Section 14. Repeal.

All Acts and parts of Acts in any way in conflict with any of the provisions of this law, are hereby repealed.

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NOTE.

The compiler of the Index upon the following pages has endeavored, within the short time allotted to him, to arrange the same alphabetically *throughout*. The main heads are found in the center of the page and the sub-heads upon the left. The matter under each main head is arranged in accordance with the alphabetical sequence until a sub-head is reached, if any; the matter under the sub-head is written in like manner until exhausted. Following the matter in the sub-head are a couple of blank lines, after which the index recurs to the alphabetical arrangement, in each instance.

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